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**DEMOCRACY MATTERS: HUMAN RIGHTS AND
DEMOCRACY IN THAILAND FROM 2001 TO 2017**

by

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THAILAND FROM 2001 TO 2017**

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Submitted in partial fulfillment of the
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ABSTRACT

Conventional wisdom suggests that human rights abuses increase under authoritarianism or autocratic governments and decline under democratic governments. However, despite frequent regime changes in Thailand since 2001, human rights abuses in the country have remained generally persistent. To explain this puzzling circumstance, this thesis examines data from the Political Terror Scale (PTS), the Polity IV Project, the U.S. State Department, and nongovernmental human rights organizations. The thesis finds that all governments in Thailand between 2001 and 2017—even those that are usually described as democratic—displayed significant authoritarian characteristics, and that the persistence of authoritarianism also explains the persistence of human rights abuses throughout this period. More specifically, the thesis shows that only Thaksin Shinawatra’s government (2001–2006) can be classified as democratic, and Thaksin explicitly pledged to rule Thailand with an iron fist. All other governments were either clearly authoritarian or semi-authoritarian; none should be categorized as clearly democratic. Therefore, the persistently high level of human rights abuse should be viewed as a result of persistently authoritarian aspects of government in Thailand.

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LIST OF ACRONYMS AND ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
NCPO	National Council for Peace and Order
NGO	nongovernmental organization
NHRCT	National Human Rights Council Thailand
PPP	People’s Power Party
PTP	Pheu Thai Party
PTS	Political Terror Scale
RTA	Royal Thai Army
RTP	Royal Thai Police
TF	Task Force
TRT	Thai Rak Thai
UDD	United Front for Democracy against Dictatorship

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I. INTRODUCTION

Conventional wisdom in much political science research suggests that the level of human rights abuse is likely to rise under authoritarian regimes and decline under democratic regimes. In Thailand, this does not appear to be true. Between 2001 and 2017, Thailand experienced several regime changes; however, the level of human rights abuse seems to have remained persistent. More specifically, the level of abuse did not decline during periods of democratic rule. The most prominent example of this phenomenon occurred during the early 2000s when the government of democratically elected Thaksin Shinawatra launched a “war on drugs” campaign that resulted in the extrajudicial killing of approximately 2,275 suspected drug traffickers.¹

Data contained in reports published by the National Human Rights Commission of Thailand (NHRCT) show little variation in human rights complaints over the past thirteen years.² Since 2002, the average number of human rights complaints has been 656.78 per year.³ The lowest number of complaints (230) was recorded in 2002 and the highest number of complaints (830) occurred during a period of democratic rule under Thaksin.⁴ Such unexpected statistics lead to the question: Why did the level of human rights abuse remain persistent in Thailand from 2001 to 2017 despite the fluctuation between democratic and military-led authoritarian regimes? The thesis finds that all governments in Thailand between 2001 and 2017—even those that are usually described as democratic—displayed significant authoritarian characteristics, and that the persistence of authoritarianism also explains the persistence of human rights abuses throughout this period.

¹ “Thailand: Anti-drug Campaign Reaches New Low,” Human Rights Watch, October 6, 2004, <https://www.hrw.org/news/2004/10/06/thailand-anti-drug-campaign-reaches-new-low>; U.S. Department of State, “2004 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, February 2005), <https://www.state.gov/j/drl/rls/hrrpt/2004/41661.htm>.

² “NHRCT Statistical Data by Year 2002–2015,” National Human Rights Commission of Thailand, accessed February 15, 2019, [http://www.nhrc.or.th/NHRCT-Work/Statistical-information/Statistical-information-on-complaints/Yearly-\(2548-Now\).aspx](http://www.nhrc.or.th/NHRCT-Work/Statistical-information/Statistical-information-on-complaints/Yearly-(2548-Now).aspx).

³ National Human Rights Commission of Thailand.

⁴ National Human Rights Commission of Thailand.

A. SIGNIFICANCE OF THE RESEARCH QUESTION

Thailand claims that it joined the United Nations and entered into the UN Universal Declaration of Human Rights (UDHR) to display a commitment to the preservation of human rights, to reestablish itself as an ethical member of the international community following World War II, to demonstrate its ability to adhere to international standards, and to display a sense of responsibility to the major players in the international community.⁵ If democratic Thai governments have committed egregious human rights abuses, such abuses detract from these claims and contradict conventional theory about the effects of democratization on human rights. Further, a deeper understanding of why—and under what conditions—specific abuses occurred is integral to improving Thailand’s democratic governance and strengthening the country’s respect for human rights. Improved respect for human rights may lead to less corruption, a renewed sense of legitimacy, and stronger policy, advocacy, education, and international relationships. If Thailand’s government takes steps to reform, reduce human rights abuses, and form a stable political ground, the result will be a stronger international image for Thailand and a heightened collective value for the country as an ally in the Indo-Pacific region.

B. LITERATURE REVIEW

This literature review has two parts. The first section reviews general literature that describes the relationship between regime types and human rights. The second part uses data from the Political Terror Scale data from 2001 to 2017 to compare and measure human rights abuse statistics by regime.

1. Regime Type and Human Rights

Significant research has been conducted on the relationship between regime type and human rights. The universal consensus is that regime type matters: autocracies (also described as authoritarian) degrade human rights and democracies improve human rights.⁶

⁵ Withit Mantāphōn, *The Core Human Rights Treaties and Thailand: A Study in Honour of the Faculty of Law, Chulalongkorn University, Bangkok*, International Studies in Human Rights, vol. 117 (Leiden; Boston: Brill Nijhoff, 2017), 5.

⁶ Davenport, “Human Rights and the Democratic Proposition,” 92.

Studies by experts like Bruce Bueno de Mesquita, George W. Downs, Alastair Smith, Christian Davenport, Jack Donnelly, and Peter Haschke have identified potential variables and developed hypotheses to explain the decreasing, increasing, or enduring nature of human rights abuses after a regime change.⁷ The most common categories of human rights studied are physical abuse and repression.⁸ As Haschke explains, “Physical integrity rights, sometimes referred to as personal integrity rights, are entitlements codified in international law according to which individual(s) are to be protected from arbitrary physical harm and coercion by their own government.”⁹ Haschke further defines *repression* as “coercive behavior employed by political authorities against individuals and groups within their territorial jurisdiction for the *expressed* purpose of controlling behavior and attitudes.”¹⁰

Democracy is another important term to define, as it provides a base for understanding the expected effects of this type of government; as previously mentioned, the consensus is that democratic governments improve human rights.¹¹ According to the Vienna Declaration, democracy refers to “the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives.”¹² However, for a country to merely be democratic is not enough; what matters more when it comes to human rights standards is the level of

⁷ Bruce Bueno de Mesquita, George W. Downs, and Alastair Smith, “Thinking Inside the Box: A Closer Look at Democracy and Human Rights,” *International Studies Quarterly* 49, no. 3 (September 2005): 439–57; Christian Davenport, “Human Rights and the Democratic Proposition,” *The Journal of Conflict Resolution* 43, no. 1 (February 1999): 92–116; Jack Donnelly, “Human Rights, Democracy, and Development,” *Human Rights Quarterly* 21, no. 3 (August 1999): 608–32; Peter Haschke, *Human Rights in Democracies*, Routledge Studies in Human Rights (London; New York: Routledge, 2018).

⁸ Haschke, *Human Rights in Democracies*, 1.

⁹ Peter Haschke, “Repression or Not: Physical Integrity Rights Violations in Democracies” (paper presented at the Annual Meeting of the Midwest Political Science Association, Chicago, Spring 2011), 1, http://faculty.ucmerced.edu/cconrad2/Academic/Publications_files/MPSA-PHaschke.pdf.

“These Rights include freedom from torture or other cruel, inhuman or degrading treatment or punishment, from prolonged detention without charges, from disappearance or clandestine detention, and from other flagrant violations of the right to life, liberty and the security of the person.” U.S. Department of State, “2009 Country Reports on Human Rights Practices: Overview and Acknowledgments” (report, U.S. Department of State, 2010), <https://www.state.gov/j/drl/rls/hrrpt/2009/frontmatter/135935.htm>.

¹⁰ Haschke, *Human Rights in Democracies*, 8.

¹¹ Donnelly, “Human Rights,” 619.

¹² Donnelly, 621–22; de Mesquita, Downs, and Smith, “Thinking Inside the Box,” 456, 615.

development toward democracy and the standards to which the democracy is held.¹³ For example, a *liberal democracy*, according to Donnelly, is a particular type of government that is “mutually reinforcing” in modern-day democracies. The “liberal commitment” is an assurance that citizens have the ability to choose their government and that their rights will be protected.¹⁴ The adjective *liberal*, in this sense, describes a form of democracy that protects its citizens’ rights and is therefore most desired.¹⁵

Research by Bueno de Mesquita, Downs, and Smith shows that the advanced development of democracy is essential for a country that hopes to improve human rights.¹⁶ Bueno de Mesquita, Downs, and Smith identify three integral dimensions of democracy in this pursuit: multi-party competition, full democracy, and accountability. In a system of multi-party competition, “true competition” is institutionally recognized by and within the state; this element is most significant to the advancement of human rights. For a democracy to be a full democracy by Bueno de Mesquita’s definition, it must go beyond being defined simply as democratic; it must fall to the far right on the democratic-autocratic continuum.¹⁷ Analysis by Bueno de Mesquita, Downs, and Smith supports Donnelly’s idea of liberal democracies and recognizes that a “full-fledged democracy,” with advanced democratic attributes, is most capable of improving human rights in a country.¹⁸ That being said, democratization is a dynamic concept. Democracy alone is not the magic bullet for human rights improvement. An aggregate of small, positive steps can make a difference.

¹³ Donnelly, “Human Rights”; de Mesquita, Downs, and Smith, “Thinking Inside the Box,” 456.

¹⁴ Donnelly, “Human Rights,” 621.

¹⁵ Donnelly, 621.

¹⁶ Bueno de Mesquita, Downs, and Smith, “Thinking Inside the Box,” 439.

Polity IV Project is a project that “continues the Polity research tradition of coding the authority characteristics of states in the world system for purposes of comparative, quantitative analysis”; see Monty G. Marshall, Ted Robert Gurr, and Keith Jaggers, *Polity IV Project: Political Regime Characteristics and Transitions, 1800–2017—Dataset User’s Manual* (Vienna, VA: Center for Systemic Peace, 2018), <http://www.systemicpeace.org/inscr/p4manualv2017.pdf>.

¹⁷ Bueno de Mesquita, Downs, and Smith, “Thinking Inside the Box,” 439.

¹⁸ Bueno de Mesquita, Downs, and Smith, 440.

Davenport agrees that democratization decreases the probability of human rights abuses and that regime change helps account for a country's level of political repression.¹⁹ Notably, stronger democracies rely less on political repression, and "changes in the level of democracy increase political tolerance."²⁰ Davenport stresses that it is not regime duration, but rather regime *change* that has immediate and enduring effects on political repression. He argues that a shift to democracy will reduce repression in the first five years after democratization, with the fifth year bringing the least amount of change. Regime change to autocracy shows similar results: repression increases during the same year as the regime change and escalates for four more years; after ten years of an autocratic regime, however, some repressive sanctions are withdrawn.

Haschke approaches the effects of democracy on human rights differently. The majority of Haschke's work challenges the research in Davenport's book *State Repression and the Domestic Democratic Peace*—a study on physical integrity and repression violations by the state. Under domestic democratic peace, Haschke argues, executive repression is what underpins physical human rights abuses. Although physical human rights abuses are less likely to occur in a democracy, Haschke explains, physical abuse still occurs, and the type of regime (democratic or autocratic) makes little difference.²¹ Haschke believes "not all violations of the basic human right to the physical integrity of the person constitute repression."²² Repression is a tool for physical abuse, not just another means of abuse.

According to Haschke, the domestic democratic peace theory applies only to the state executive, where physical human rights abuses are politically motivated and are in the realm of autocracy. Examples of politically motivated abuse directed by state executives include political killings, political imprisonment, coerced confessions, prison access, and manipulation of the judiciary. Further, Haschke contests, domestic democratic peace theory cannot fully account for arbitrary arrest and detention, unlawful killings, rape, torture, and

¹⁹ Davenport, "Human Rights and the Democratic Proposition," 109.

²⁰ Davenport, 97.

²¹ Haschke, *Human Rights in Democracies*, 12.

²² Haschke, 181.

general ill-treatment—all of which the state executive can prevent, but they are typically carried out by agents of the state. Even though the state executive may not have directly ordered or condoned abuse by state agents, Haschke explains, the state executive is still responsible.²³

2. Trends in Human Rights Abuses in Thailand from 2001–2017

Despite multiple regime changes in Thailand between 2001 and 2017, data from Amnesty International, the U.S. State Department, and even the NHRCT indicate that the number of human rights violations in the country have remained relatively persistent and relatively high. The graph in Figure 1 and the information in Table 1 use data from the Political Terror Scale (PTS) Project to help measure human rights abuses.²⁴ Data from the NHRCT is also included in Figure 1 and Table 1 to compare PTS trend lines during each regime. In their PTS data notes, Mark Gibney et al. state, “The PTS measures violations of physical integrity rights carried out by states or their agents”; for the purposes of the PTS, *political terror* is defined as “violations of basic human rights to the physical integrity of the person by agents of the state within the territorial boundaries of the state in question.”²⁵ PTS uses data from Amnesty International (labeled PTS_A in Figure 1 and Table 1) and the U.S. State Department (PTS_S) to establish the PTS score. The following PTS coding scheme is based on a scale published in Freedom House’s 1980 yearbook:

- Level 1: Countries under a secure rule of law, people are not imprisoned for their view, and torture is rare or exceptional. Political murders are extremely rare.
- Level 2: There is a limited amount of imprisonment for nonviolent political activity. However, few persons are affected, torture and beatings are exceptional. Political murder is rare.
- Level 3: There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may

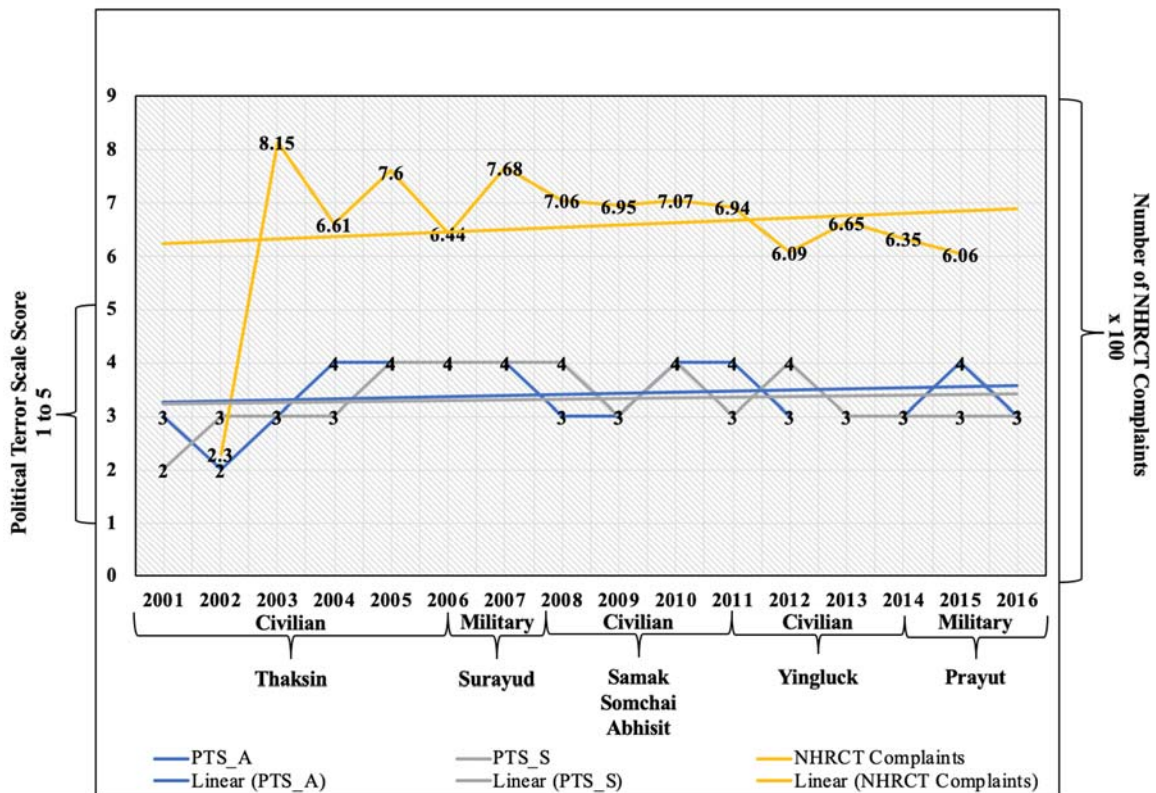
²³ Haschke, 183–86.

²⁴ Michael Stohl began the Political Terror Scale Project in the early 1980s, and it was continued by Mark Gibney in 1984. See <http://www.politicalterrorscale.org/About/History/>.

²⁵ Mark Gibney et al., *The Political Terror Scale (PTS) Codebook*, version 1.00 (Asheville, NC: The Political Terror Scale, October 2017), 1, <http://www.politicalterrorscale.org>.

be common. Unlimited detention, with or without a trial, for political views is accepted.

- Level 4: Civil and political rights violations have expanded to large numbers of the population. Murders, disappearances, and torture are a common part of life. In spite of its generality, on this level terror affects primarily those who interest themselves in politics or ideas.
- Level 5: The terrors of Level 4 have been extended to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals.²⁶



PTS_A: Amnesty International data; PTS_S: U.S. State Department data

Figure 1. Political Terror Scale and NHRCT Trends 2001–2016²⁷

²⁶ Gibney et al., 4.

²⁷ Adapted from Gibney et al., “The Political Terror Scale,” December 2018, <http://www.politicalterror scale.org/Data/Download.html>; National Human Rights Commission of Thailand, “Statistical Data by Year 2002–2015.”

Table 1. Thailand Political Terror Scale Data and NHRCT Complaints
2001–2016²⁸

Year	PTS_A	PTS_S	NHRCT Complaints
2001	3	2	N/A
2002	2	3	230
2003	3	3	815
2004	4	3	661
2005	4	4	760
2006	4	4	644
2007	4	4	768
2008	3	4	706
2009	3	3	695
2010	4	4	707
2011	4	3	694
2012	3	4	609
2013	N/A	3	665
2014	3	3	635
2015	4	3	606
2016	3	3	N/A
Sum	51	53	9195
Average	3.1875	3.3125	656.7
PTS Combined Average	3.25		

PTS_A: Amnesty International data; PTS_S: U.S. State Department data

Initial findings show that the trend lines for both the NHRCT and the PTS data follow the same slope. Data from two independent organizations (one an internal reporting agency in Thailand and the other external) show that human rights abuse remained relatively constant between 2001 and 2017. Further, Figure 1 shows relatively stable trend lines from 2001 to 2016, even when there is a change from civilian to military rule. The NHRCT data and trend line match PTS data and show consistency

²⁸ Adapted from Gibney et al., “Political Terror Scale”; National Human Rights Commission of Thailand, “Statistical Data by Year 2002–2015.”

between the two organizations. The following sections examine PTS and NHRCT changes by regime more closely.

a. *Thaksin Shinawatra: February 2001–September 2006*

Under Thaksin Shinawatra’s democratic regime, from 2001 to 2006, Thailand’s PTS score averaged 3.24, virtually the same as Thailand’s sixteen-year average of 3.25.²⁹ The NHRCT does report a spike of 815 human rights cases in 2003—the highest number of cases ever reported by the NHRCT.³⁰

In 2003, Thaksin launched a war on drugs. The Thai government publicized the movement as a targeted anti-drug-trafficking and anti-drug-use campaign. The violent campaign resulted in the extrajudicial killings of an estimated 2,800 people.³¹ Thaksin was also marked by his mismanagement of the rise in Islamic insurgency between 2004 and 2005. In the southern provinces, the Royal Thai Army (RTA) was blamed for killing eighty-four Muslim protestors.³² From 2004 to 2006, the PTS score rose from 3 to 4; the score remained at 4 until Thaksin was removed from office by coup in September 2006.³³

b. *Surayud Chulanont: September 2006–January 2008*

Thailand’s PTS score increased by .59 to 3.83 between December 2006 and December 2007, under Surayud Chulanont’s anocratic regime. (An anocratic regime is one that falls between democracy and autocracy. This concept is described in more detail

²⁹ Regime type—whether democratic or anocratic—is discussed in more detail in Chapter II, including the misnomer of Thai regimes that have been classified as democracies.

³⁰ National Human Rights Commission of Thailand, “Statistical Data by Year 2002–2015.”

³¹ U.S. Department of State, “2003 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, February 2004), <https://www.state.gov/j/drl/rls/hrrpt/2003/index.htm>.

³² “At Least 84 People Killed in Southern Thailand,” Asian Human Rights Commission, October 25, 2004, <http://www.humanrights.asia/news/urgent-appeals/UA-143-2004>.

³³ Gibney et al., “Political Terror Scale.”

in Chapter II). NHRCT case reports increased to 768 in 2007.³⁴ The increase in PTS score and NHRCT reports corresponds to conventional expectations of authoritarian regimes. The U.S. State Department reports that the interim government maintained status-quo human rights infringements on freedom of speech, freedom of press, and freedom of assembly following the 2006 coup.³⁵ Elections were held in December 2006, returning Thailand to civilian governance.

c. *Samak Sundaravej and Somchai Wongsawat: January 2008–December 2008*

During Samak Sundaravej and Somchai Wongsawat's anocratic regime, the PTS score decreased by .33 to 3.5 and NHRCT case reports decreased to 706. This change in the PTS score reflects Davenport's argument that human rights violations should immediately decrease within the first year of an established democratic government, then steadily improve over the next four years.³⁶ The U.S. State Department reported a year of political instability in Thailand, but noted that "respect for human rights remained unchanged."³⁷ Samak was removed from office under charges of corruption and Somchai was removed from office after the political party he served was suspended. The legislature performed an internal vote and installed Abhisit as prime minister.

d. *Abhisit Vejjajiva: December 2008–August 2011*

The PTS score average during Abhisit's anocratic tenure remained unchanged, at 3.5, from 2008 to 2011. Human rights cases averaged 698.6 per year, with the highest

³⁴ The full year of 2007–2008 was used to calculate the average during the most recent changeover because Abhisit did not take office until December 2008; National Human Rights Commission of Thailand, "Statistical Data by Year 2002–2015."

³⁵ U.S. Department of State, "2007 Country Reports on Human Rights Practices: Thailand" (report, U.S. Department of State, March 2008), <http://www.state.gov/j/drl/rls/hrrpt/2007/100539.htm>; "2008 Country Reports on Human Rights Practices: Thailand" (report, U.S. Department of State, February 2009), <http://www.state.gov/j/drl/rls/hrrpt/2008/eap/119058.htm>.

³⁶ Davenport, "Human Rights and the Democratic Proposition," 108.

³⁷ U.S. Department of State, "2008 Country Reports: Thailand."

number in 2010 at 707 cases.³⁸ U.S. State Department reports for 2008 and 2009 show no significant difference in human rights.³⁹ Early in Abhisit's premiership, the U.S. State Department noted that "respect for human rights remained unchanged" and Benjamin Zawacki wrote, "Thailand's human rights record changed in color but not in tone"—referring to the colors that represented support for Thaksin's political party (known as red shirts) and the opposing royalist party (yellow shirts).⁴⁰ New elections were held in July 2011 and Yingluck Shinawatra (Thaksin's sister) took office as the first female prime minister of Thailand.

e. Yingluck Shinawatra: August 2011–May 2014

The PTS score average under Yingluck Shinawatra's democratic regime decreased only slightly, to 3.33, from 2012 to 2013. During the majority of Yingluck's tenure in 2012 and 2013, the NHRCT reported 609 cases and 665 cases, respectively.⁴¹

Violence surged in southern Thailand in 2012; the violence reached its peak in March with 603 casualties that month alone—the highest in any month since 2004. A relative cool-down followed the rise in violence, with 380 recorded incidents in August 2012.⁴² According to U.S. State Department reports for 2012 and 2013, the nongovernmental organization (NGO) Deep South Watch claimed that the most persistent human rights abuses in the country were excessive use of force and extrajudicial killings; thirty southern insurgents were killed by security forces and local

³⁸ The years 2009 through 2011 were used to calculate the average number of human rights cases, as Abhisit assumed office in mid-December 2008 and left office in early August 2011; National Human Rights Commission of Thailand, "Statistical Data by Year 2002–2015."

³⁹ U.S. Department of State, "2008 Country Reports: Thailand"; "2009 Country Reports: Thailand."

⁴⁰ U.S. Department of State, "2009 Country Reports: Thailand"; Benjamin Zawacki, *Thailand: Shifting Ground between the U.S. and a Rising China*, Asian Arguments (London: Zed, 2017), 196.

⁴¹ The remaining portions of 2011 and 2014 were not used to calculate human rights abuses during Yingluck's time in office because the majority of her rule was in 2012 and 2013. In 2014 she was overthrown by a military coup. National Human Rights Commission of Thailand, "Statistical Data by Year 2002–2015."

⁴² Adam Burke, Pauline Tweedie, and Ora-orn Poocharoen, "The Contested Corners of Asia: Subnational Conflict and International Development Assistance: The Case of Southern Thailand" (executive summary, The Asia Foundation, 2013), <https://asiafoundation.org/resources/pdfs/ESThailandMay28Lr.pdf>.

security volunteers.⁴³ Although it was not reported that Yingluck directed or condoned the rise in violence and extrajudicial killings, her brother's strong influence in the Pheu Thai Party's policy decisions may have been a factor for the increase of violence in the south. A 2013 report by the Asia Foundation quotes Deep South Watch as stating, "The increase in violent incidents followed efforts by Thaksin Shinawatra, former Prime Minister and de facto leader of the ruling Pheu Thai Party, to start peace negotiations."⁴⁴

In August 2011, Human Rights Watch praised Yingluck for her commitment to improving human rights; in January 2012, however, the same organization condemned her government for failed reforms and for restricting free speech.⁴⁵ Starting under Thaksin and continuing through the military junta in 2006, Human Rights Watch explains, restrictions on freedom of speech began through the enforcement of laws against *lèse majesté* and computer crimes. In 2010, under Abhisit, freedom of speech was steadily but significantly restricted further; the restrictions only increased under Yingluck.⁴⁶ The NHRCT commission estimated that 400 *lèse majesté* cases were sent to trial in 2010 and 2011. Most suspected *lèse majesté* offenders were denied bail, waited months for a trial, and received harsh punishment for seemingly minor infractions.⁴⁷ Yingluck was removed from office by a military coup in 2014 under suspicion of corruption.

⁴³ U.S. Department of State, "2012 Country Reports on Human Rights Practices: Thailand" (report, U.S. Department of State, 2013), <https://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/index.htm#wrapper>; U.S. Department of State, "2013 Country Reports on Human Rights Practices: Thailand" (report, U.S. Department of State, 2014) <https://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220234#wrapper>.

⁴⁴ Burke et al., "Contested Corners of Asia," 103.

⁴⁵ Human Rights Watch, "Letter to Prime Minister Yingluck Regarding Your Government's Human Rights Agenda," August 15, 2011, <https://www.hrw.org/news/2011/08/15/human-rights-watch-letter-prime-minister-yingluck-regarding-your-governments-human>; "Thailand: Downward Slide on Human Rights," Human Rights Watch, January 23, 2012, <https://www.hrw.org/news/2012/01/23/thailand-downward-slide-human-rights>.

⁴⁶ *Lèse majesté* was used to suppress criticism of the government and the monarchy; Human Rights Watch, "Thailand: Downward Slide."

⁴⁷ Human Rights Watch.

f. Prayut Chan-o-cha: May 2014–Present

Thailand's PTS score under General Prayut Chan-o-cha's anocratic regime averaged 3.16 between 2014 and 2016—a decrease of only .17 from the PTS average between 2012 and 2013 under Yingluck. There were 635 human rights cases in 2014 and 635 in 2015.⁴⁸ In 2015 (the most recent year of reports since the coup), the NHRCT reported 606 human rights cases, the lowest number since the NHRCT's first report, which recorded 230 cases in 2002.⁴⁹

C. POTENTIAL EXPLANATIONS AND HYPOTHESES

Hypothesis One: Human rights violations in Thailand rise during periods of authoritarianism and decline during periods of democracy. This hypothesis reflects Davenport's research, which argues that democratization decreases the probability of human rights abuses. As previously discussed, this hypothesis appears to have been disproven in Thailand. Regardless of regime type, human rights abuses maintained a seemingly flat trajectory between 2001 and 2017, as indicated by Thailand's PTS trend.

Hypothesis Two: Thailand did not fully democratize, which kept in place a persistently high level of human rights violations. This hypothesis supports the research of Bueno de Mesquita, Downs, and Smith, where they argue that only a multi-dimensional approach to democracy in the pursuit of multi-party competition, full democracy, and accountability leads to the improvement of human rights. For a democracy to be considered a full democracy by their definition, it must go beyond being defined simply as democratic for electoral reasons; instead, it must fall to the far right on the democratic-autocratic continuum. In Thailand's democratic eras (from 2001 to 2006 and 2011 to 2014), there appears little evidence to suggest the regimes or political parties were committed to creating a multi-dimensional democracy that would protect human rights.

⁴⁸ The year 2015 was the last in which the NHRCT provided statistical results for cases reported; National Human Rights Commission of Thailand, "Statistical Data by Year 2002–2015."

⁴⁹ The NHRCT was established in July 2001 and it released the first statistical report in 2002.

Hypothesis Three: Democratic governments in Thailand have not been committed to human rights. Poor economic development has fueled state weakness, which has contributed to physical abuse in periods of democracy. In the democratic eras (from 2001 to 2006 and 2011 to 2014), large-scale human rights abuses were committed. Most notable was Thaksin's war on drugs in 2003, when extrajudicial killings resulted in 2,800 deaths, and in 2004 when eighty-four Muslim protesters died due to maltreatment.

Ultimately, this thesis suggests that human rights abuses in Thailand are systemic, regardless of regime type. Until a paradigm shift occurs, a high level of human rights abuse is likely to persist. Accountability, constraints, and legal consequences must be embedded into Thailand's institutional framework for human rights to improve. Haschke explains that there is a causal relationship between the state's inability to constrain agents (i.e., police, special forces, military) and poor economic development. Whether in authoritarian or democratic regimes, state agents in Thailand have engaged in non-politically motivated human rights abuses such as murder, rape, torture, and general ill treatment. The state's lack of capacity to control and curb corruption or hold its agents accountable may explain the steady rate of human rights abuse violations in Thailand.

D. RESEARCH DESIGN AND THESIS OVERVIEW

This thesis uses primary and secondary sources to assess the level and type of human rights abuses in Thailand between 2001 and 2017, and to ascertain the extent to which the government was democratic or authoritarian during each prime minister's tenure. On this basis, the thesis makes a historical comparison between regime type and the level of human rights abuses.

The thesis is organized into four chapters. Chapter I, this introduction, has discussed the trend of human rights violations in Thailand between 2001 and 2017. Chapter II outlines and defines each regime type in Thailand and Chapter III explains human rights abuses during each regime. Chapter IV provides concluding remarks.

II. CLASSIFICATION OF REGIME TYPES IN THAILAND FROM 2001 TO 2017

A. INTRODUCTION

This chapter uses Polity IV Project data to classify regime types in Thailand from 2001 to 2017 as democratic, autocratic, or anocratic. The Polity IV Project, a continuation of Polity research from the Center for Systemic Peace, studies

the problem of political violence within the structural context of the dynamic global system, that is, global systems analysis. The Center supports scientific research and quantitative analysis in many issue areas related to the fundamental problems of violence in both human relations and societal-systemic development processes.⁵⁰

The Thai regimes are scored on a twenty-one-point scale ranging from -10 (hereditary monarchy) to +10 (consolidated democracy). Sub-categories are further defined as autocracy (-10 to -6), anocracy (-5 to +5; defined in this section), and democracy (+6 to +10).⁵¹ To achieve a democracy score (+6 to +10), the regime must contain three fundamental and interdependent elements defined by the Center for Systemic Peace:

One is the presence of institutions and procedures through which citizens can express effective preferences about alternative policies and leaders. Second is the existence of institutionalized constraints on the exercise of power by the executive. Third is the guarantee of civil liberties to all citizens in their daily lives and in acts of political participation. Other aspects of plural democracy, such as the rule of law, systems of checks and balances, freedom of the press, and so on are means to, or specific manifestations of, these general principles.⁵²

⁵⁰ “Our Mission,” Center for Systemic Peace, accessed June 13, 2018, <http://www.systemicpeace.org/mission.html>.

⁵¹ “About Polity,” Center for Systemic Peace, accessed February 6, 2019, <http://www.systemicpeace.org/polityproject.html>.

⁵² Note that coded data on civil liberties is not included. Monty G. Marshall, Ted R. Gurr, and Keith Jaggers, *Polity IV Project: Dataset Users' Manual* (Vienna, VA: Center for Systemic Peace, 2017), 14, <https://www.systemicpeace.org/inscr/p4manualv2016.pdf>.

An autocracy score (-10 to -6) is determined by the following features:

In mature form, autocracies sharply restrict or suppress competitive political participation. Their chief executives are chosen in a regularized process of selection within the political elite, and once in office they exercise power with few institutional constraints. Most modern autocracies also exercise a high degree of directiveness [sic] over social and economic activity, but we regard this as a function of political ideology and choice, not a defining property of autocracy.⁵³

A country's polity score is calculated using the following weighted variables: competitiveness of executive recruitment, openness of executive recruitment, constraint of chief executive, and competitiveness of political participation. Each set of weighted variables uses indicators—coded as democratic or autocratic—to calculate a country's score.⁵⁴ The Center for Systemic Peace recognizes that each polity is unique; governments necessarily have different degrees of these characteristics and may have mixed authority traits. Therefore, polities with a mid-range score between autocratic and democratic (-5 to +5) are classified as *anocratic*.⁵⁵ Figure 2 shows Thailand's polity trend from 2001 to 2016.

⁵³ Marshall, Gurr, and Jagers, 15–16.

⁵⁴ Marshall, Gurr, and Jagers, 13–16.

⁵⁵ Marshall, Gurr, and Jagers, 16.

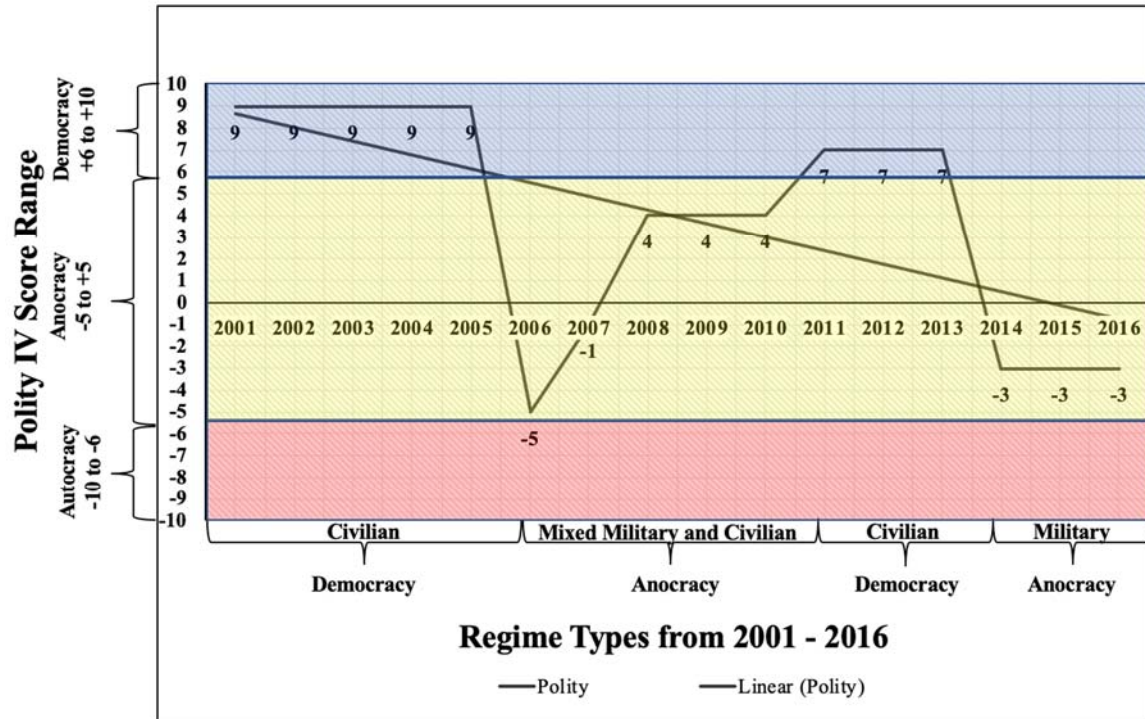


Figure 2. Thailand's Polity Trend 2001–2016⁵⁶

B. THAILAND'S POLITY IV PROJECT CLASSIFICATION

Thailand began to shift toward democracy in the late 1980s and rewrote its constitution in 1997 to help reinforce the transition. The 1997 constitution was a pivotal swing toward democracy for three reasons: 1) the legislative appointment was replaced with bicameral direct elections, 2) human rights were acknowledged, and 3) new, independent government agencies were established to bring more stability to the elected government and to permit greater control mechanisms over the state executives.⁵⁷ Although a healthy step to better governance, the new constitution had some unintended

⁵⁶ Adapted from "Polity IV Annual Time-Series, 1800–2017," Center for Systemic Peace, accessed February 15, 2019, <http://www.systemicpeace.org/inscrdata.html>.

⁵⁷ International Crisis Group, "A Coup Ordained? Thailand's Prospects for Stability" (Asia Report No. 263, International Crisis Group, December 2014), 4, <https://www.crisisgroup.org/asia/south-east-asia/thailand/coup-ordained-thailand-s-prospects-stability>; B.J. Terwiel, *Thailand's Political History: From the 13th Century to Recent Times* (Bangkok: River Books, 2011), 284.

consequences. Particularly, the changes later allowed Thaksin, exploiting the new constitution, to amass more strength in parliament than any other elected prime minister.⁵⁸ The sections that follow discuss each period of democracy and anocracy in Thailand, along with the circumstances surrounding the regime change.

1. Democratic Period: February 2001–September 2006

Throughout Thaksin's premiership, Thailand maintained a democratic polity score of 9—a score held in the country since 1992.⁵⁹ Thaksin's political popularity stemmed from his platform, which focused on reducing poverty, expanding infrastructure, promoting small and medium enterprises, and providing universal health-care coverage.⁶⁰

However, Thaksin's popularity and political manipulation, directly and indirectly, polarized politics. Political factions began to divide the more impoverished communities from the more affluent. Thaksin's desire to empower the poor encouraged a mobilized voice for the rural underprivileged, challenging the status-quo. Some saw the political shift and Thaksin's leadership style as threatening to the monarchy. Public outcry over the tax-free sale of Thaksin's telecommunications company brought to question his re-election in 2006. Thaksin dissolved parliament in February 2006 and called a snap election to prove his popularity; the April 2006 election was boycotted and rescheduled for October 2006.⁶¹ While he was out of the country, royalists advocated for the military to remove Thaksin from power. With the king's approval, and by request of the military, Thaksin was officially charged with corruption and removed from power by a coup in September 2006; he has since lived in self-proclaimed exile.⁶²

⁵⁸ Terwiel, *Thailand's Political History*, 290; International Crisis Group, "A Coup Ordained," 4.

⁵⁹ Center for Systemic Peace, "Polity IV Annual Time-Series."

⁶⁰ Suchit Bunbongkarn, "What Went Wrong with the Thai Democracy?" *Southeast Asian Journal* (2015): 359–68.

⁶¹ International Crisis Group, "A Coup Ordained," 4.

⁶² Terwiel, *Thailand's Political History*, 290–92.

Thaksin's governing style did not sit well with the members of the king's privy council.⁶³ Privy Council President Prem Tinsulanonda—a retired general and prime minister of Thailand from 1980 to 1988—told the U.S. ambassador to Thailand that “Thaksin needed to learn that he was the manager of the shop, not the owner.”⁶⁴ Prem's statement suggests that, in a constitutional monarchy with elected heads of government, prime ministers in Thailand are subject to a hierarchical system where deference is expected and orders followed.

From afar, even today, Thaksin influences politics by proxy. Since the coup in 2006, there have been numerous renamed political parties directly associated with Thaksin. These proxy parties remain the most popular in Thailand.⁶⁵

2. Anocratic Period: September 2006–January 2008

Between September 2006 and December 2008, Thailand had five prime ministers but only one was fully recognized. The coup faction established the Council for National Security, which took complete control of all government duties and appointed General Surayud Chulanont as the country's leader. The polity score dipped to -5, the lowest score since 1976 and only one grade away from full autocracy.⁶⁶ The election scheduled for October 2006 was canceled and the new constitution annulled.⁶⁷ Thaksin's Thai Rak Thai Party (TRT) was disbanded following a ruling from the constitutional court that the party was guilty of vote buying. Thaksin and 100 members of the TRT were banned from politics for five years. Thaksin's followers immediately formed a new party, known as the People's Power Party (PPP). Most of the TRT

⁶³ A privy council is a board of appointed advisors, usually retired generals and ex-prime ministers.

⁶⁴ International Crisis Group, “A Coup Ordained,” 4; Terwiel, *Thailand's Political History*, 282.

⁶⁵ Thomas Fuller, “In Thailand, Power Comes with Help from Skype,” *New York Times*, October 19, 2018, <https://www.nytimes.com/2013/01/30/world/asia/thaksin-shinawatra-of-thailand-wields-influence-from-afar.html>.

⁶⁶ Center for Systemic Peace, “About Polity.”

⁶⁷ Terwiel, *Thailand's Political History*, 292.

members of parliament joined the PPP, and Samak Sundaravej was appointed as the party leader.⁶⁸

3. Anocratic Period: January 2008–December 2008

Despite many efforts from the authoritarian government to discredit the TRT and the PPP, it won the number of seats needed in the December 2007 election to place Samak as prime minister and leader of a six-party coalition. Thailand's polity score rose from -5 to 4—still considered anocratic (semi-authoritarian). This period was the start of a protracted era of political rivalry and violence between two political groups known as the red shirts (pro-Thaksin) and the yellow shirts (pro-royalist/government). Fierce demonstrations between the groups plagued Samak's time in office. One particular clash resulted in several injuries and one death, prompting Samak to declare a twelve-day state of emergency. The Constitutional Court eventually removed Samak as prime minister for his participation in a televised cooking show; the Senate submitted a complaint that Samak received compensation for his role as the master of ceremonies on the show, which represented a conflict of interest with his role as the head of government.⁶⁹

The PPP selected Somchai Wongsawat as Samak's replacement for prime minister. Somchai was the former deputy prime minister and also the brother-in-law of Thaksin and his sister Yingluck, a future prime minister. His association alone with Thaksin was enough to spark tension between the red and yellow shirts, who responded by marching in a demonstration. Shortly after Somchai took office, the PPP came under additional scrutiny by the Constitutional Court and was charged with massive vote buying in the 2007 election. Somchai was subsequently removed from office and the PPP was banned. Foreseeing the charges, members of the PPP formed the Phak Phuea Thai party and voted for Chavarat Charnvirakul as acting prime minister. Chavarat was prime minister for only fifteen days.⁷⁰

⁶⁸ Terwiel, 294.

⁶⁹ Terwiel, 294–96.

⁷⁰ Terwiel, 294–96.

4. Anocratic Period: December 2008–August 2011

A political reorganization caused ex-PPP members to defect to a newly formed minority party and join forces with the opposing (democratic) party, creating an electoral majority that ushered in a new government.⁷¹ The new voting majority appointed Abhisit Vejjajiva as prime minister without a general election. Thailand's polity score remained at 4, or anocratic. Red shirts took to the streets and voiced their anger about the change in government. "In their view Abhisit had tricked the system and had overruled the wish of the majority of the people and they felt his government to be illegitimate and undemocratic."⁷² Just like the prime ministers before him, Abhisit's tenure was plagued with massive civil unrest. Protests in 2010 were the most violent and deadly since the riots in 1992.⁷³ In April and May of that year, a fact-finding commission reported clashes between security forces and antigovernment protesters at two different protest sites in Bangkok and the northeast region that ended in the death of seventy-nine civilians, eleven security forces members, and two foreign journalists; and additional 2,000 people injured.⁷⁴ It was not clear how many were killed by security forces or opposing protestors (possible yellow shirts), or by accident.⁷⁵

Abhisit ordered the establishment of the Truth for Reconciliation Commission of Thailand (TRCT) as part of a national reconciliation plan to determine the cause of the violent clashes. Though operating under constraints, the TRCT was charged with investigating a fixed two-year period from July 17, 2010, to July 16, 2012 and with

⁷¹ Terwiel, 299.

⁷² Terwiel, 300.

⁷³ "Descent into Chaos: Thailand's 2010 Red Shirt Protests and the Government Crackdown," Human Rights Watch, May 3, 2011, <https://www.hrw.org/report/2011/05/03/descent-chaos/thailands-2010-red-shirt-protests-and-government-crackdown>.

⁷⁴ U.S. Department of State, "2008 Country Reports: Thailand," 1–3; "2009 Country Reports on Human Rights Practices: Thailand" (report, U.S. Department of State, March 2010), 1–3, www.state.gov/j/drl/rls/hrrpt/2009/eap/136010.htm; "2010 Country Reports on Human Rights Practices: Thailand" (report, U.S. Department of State, April 2011), 1–3, <http://www.state.gov/j/drl/rls/hrrpt/2010/eap/154403.htm>.

⁷⁵ U.S. Department of State, "2010 Country Reports: Thailand," 2.

providing recommendations to prevent the recurrence of politically charged violence.⁷⁶ The final report, released September 17, 2012, balanced blame among all parties involved; Thaksin was ascribed a share of the blame as well, for his enduring political influence in the country.⁷⁷

5. Democratic Period: August 2011–May 2014

During parliamentary elections in 2011, the Democrat Party suffered a surprising and significant defeat. The pro-Thaksin Pheu Thai Party (PTP) won its fifth consecutive victory, defeating attempts by the 2007 constitution drafting committee and coup organizers to limit Thaksin's ability to gain power in parliament.⁷⁸ Thailand's polity score rose from a 4 to 7—just above the minimum score of 6 required to be classified as a democratic government.⁷⁹ The PTP's nominee for prime minister was Yingluck, the Thaksin's sister. She became widely popular with the red shirt faction. An agreement was made that the elected PTP could remain in office as long as it showed deference to the king and did not interfere with the operation of the military.⁸⁰

Minor political grumblings were not heard until Yingluck's second year in office. An amnesty bill related to political conflicts from 2004 to 2013 was passed, exonerating Thaksin and Abhisit and sparking political demonstrations that called for the removal of the PTP government. In February 2014, during massive demonstrations calling for resignation, Yingluck dissolved parliament and called a snap election to prove the popularity of the PTP. The elections were postponed after opposing political parties forced the polling stations to shut down. On March 21, the Constitutional Court

⁷⁶ Kathleen Rustici and Alexandra Sander, "Thailand's Truth for Reconciliation Commission Issues Final Report," Center for Strategic and International Studies, September 19, 2012, <https://www.csis.org/analysis/thailand%E2%80%99s-truth-reconciliation-commission-issues-final-report>; U.S. Department of State, "2012 Country Reports: Thailand," 26.

⁷⁷ Rustici and Sander "Thailand's Truth for Reconciliation"; U.S. Department of State, "2012 Country Reports: Thailand," 26.

⁷⁸ International Crisis Group, "A Coup Ordained," 9.

⁷⁹ Center for Systemic Peace, "Polity IV Annual Time-Series."

⁸⁰ International Crisis Group, "A Coup Ordained," 9.

invalidated the February general election, placing Yingluck in a caretaker status and eventually charging her with corruption and abuse of power; the court removed Yingluck and her nine cabinet members from office, leaving a power vacuum.⁸¹

6. Anocratic Period: May 2014–Present

General Prayut Chan-o-cha's road to premiership began on May 20, 2014, when he declared martial law without advance notice to the new caretaker government following Yingluck's removal from office.⁸² Thailand's polity score dropped from a democratic 7 to a -3, re-designating the government as anocratic, where it remains today. The current polity score is two points higher than the anocratic period from September 2006 to January 2008—which had a polity score of -5.⁸³

When he declared martial law, Prayut reassured the public that a coup was not in progress. On May 21 and May 22, Prayut gathered all senior political leaders of the major parties and senior bureaucrats to mediate a compromise, without success. During the last day of talks, Prayut asked the caretaker prime minister if the cabinet would step down and allow an appointed cabinet. He refused. Prayut said that “further discussion was pointless” and professed, “I’m sorry, but I must seize power.”⁸⁴ Prayut established the National Council for Peace and Order (NCPO), with himself as the leader, consolidating all power within the government into his own hands:

The coup leaders repealed the constitution (except for provisions related to the monarchy), suspended parliament, continued martial law imposed two days earlier on May 20, and issued numerous decrees severely limiting civil liberties, including restrictions on freedom of speech, freedom of assembly, and freedom of the press. The NCPO summoned and detained, without charge, more than 900 political leaders, academics, journalists, and others, holding many for up to seven days. The NCPO promulgated an interim constitution on July 22 and appointed individuals to a National Legislative Assembly on July 31, the members of which unanimously selected coup

⁸¹ International Crisis Group, 9–15.

⁸² International Crisis Group, 16.

⁸³ Center for Systemic Peace, “Polity IV Annual Time-Series.”

⁸⁴ International Crisis Group, “A Coup Ordained,” 16.

leader and head of the RTA, General Prayut, as prime minister on August 21.⁸⁵

As of this writing, five years since the coup and the promise to a swift return to free and fair elections, Prayut remains in office. Election rules have changed, however, and free and fair elections are slated for March 24, 2019.⁸⁶

B. CONCLUSION

The Polity IV Project data shows that, from 2001 to 2017, Thailand was classified as democratic half the time and as anocratic the other half. Even though periods were classified as democratic under Thaksin and Yingluck, it appears Thailand was democratic only in name, not in practice.⁸⁷ Thailand achieved the status of democracy because it held elections—not necessarily because the country achieved the multi-dimensional democratic values expected in a country classified as democratic. Thus, this thesis infers that Thailand actually maintained the status of anocracy (semi-authoritarian) from 2001 to 2017. Chapter III discusses each regime’s sustained level of human rights abuse and why Thailand should be classified as anocratic (semi-authoritarian) from 2001 to 2017.

⁸⁵ U.S. Department of State, “2014 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, 2015), 1, <https://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/index.htm?year=2014&dliid=236480#wrapper>.

⁸⁶ Anuchit Nguyen and Randy Thanthong-Knight, “Thailand to Hold First General Election since Coup in 2014,” *Bloomberg*, January 23, 2019, <https://www.bloomberg.com/news/articles/2019-01-23/thai-royal-decree-confirms-general-election-will-be-held-in-2019>.

⁸⁷ Center for Systemic Peace, “Polity IV Annual Time-Series.”

III. ANOCRACY AND AUTHORITARIANISM IN THAILAND

This chapter contains six sections, each devoted to a Thai prime minister from 2001 to 2017. Each section describes the poor state of human rights each government accepted or perpetuated. Human rights abuses are sorted into three categories—routine, unique, and political. Routine human rights abuse signifies that the abuse went unchanged between regimes, unique human rights abuse is distinctive to the regime, and political human rights abuse is conducted explicitly to protect the regime, either directly or indirectly. Each type of abuse implicitly or explicitly benefits the regime, government agencies, or security forces.

As previously stated, nominally democratic regimes in Thailand were never truly consolidated or multi-dimensional, leaving in place authoritarian characteristics—thus hypothesis one cannot be appropriately tested or disproved. Although hypothesis three is compelling, it merely provides a set of conditions or variables that keep governments in a state of perpetual anocracy or autocracy. According to hypothesis three, correcting the deeper underlying economic conditions and state weakness that support poor human rights would significantly propel a government toward a multi-dimensional and full-fledged democracy that will achieve the highest standards of human rights; again, this cannot be fully validated over the time period examined.

The evidence in this chapter overwhelmingly supports hypothesis two. The Polity IV Project may have classified two of the regimes (those under Thaksin and Yingluck), spanning half of the period examined, as democratic on the Polity IV scale but they overwhelmingly displayed characteristics consistent with either autocratic or anocratic (semi-authoritarian) governments. This chapter argues that all regimes from 2001 to 2017, to be more accurately characterized, should be labeled, at a minimum, as anocratic. Thaksin was explicit in his intention to rule Thailand with an iron fist, and Yingluck's era barely hit the democracy mark on the polity scale; every other regime fell consistently within the anocratic realm. Therefore, it seems likely that Thailand's failure to improve human rights has been the result of the persistent authoritarian characteristics underlying Thai politics and its failure to achieve full democracy.

**A. THAKSIN SHINAWATRA: HUMAN RIGHTS ABUSE
CHARACTERIZED FROM FEBRUARY 2001 TO SEPTEMBER 2006**

To characterize his era of democracy, Thaksin claimed, “I am going to use democracy as the means to my end, and that is authoritarianism.”⁸⁸ Further, Thaksin, referring to his strategy for governing Thailand, admitted that “democracy is just a tool, not our goal.”⁸⁹ In examining human rights from 2001 to 2006, it is clear that abuses were a matter of routine for Thailand and not wholly extraordinary.⁹⁰

Thaksin promoted a toxic era of impunity and authoritarianism in a democratic government. Zawacki characterizes Thaksin’s tenure as a time when human rights abuse was at its worst since the authoritarian leadership of Field Marshal Sarit (from 1957 to 1963). Suranand Vejjajiva, who served as Prime Minister’s Office minister, also stated that Thaksin “didn’t have a real concept of what human rights should be,” and used his executive influence at embassies in Bangkok to stop funding or Thai NGOs.⁹¹

In this era, the climate of impunity was also a “significant factor in preventing any major change in police behavior.”⁹² Proper enforcement of laws and regulations was ad libitum with an entrenched culture of corruption and regular bribes that undermined the rule of law. The Royal Thai Police (RTP) was known for conducting warrantless searches, using excessive and deadly force, beating suspects to coerce confessions, threatening false charges, planting evidence, extracting bribes, and even raping and extorting sex from people in detention. Some RTP officers were also directly involved in trafficking in persons or bribed officials to ignore such offenses; the RTP openly

⁸⁸ Zawacki, *Thailand*, 129.

⁸⁹ “Democracy Is Not My Goal—Thaksin,” *Thaiger*, December 11, 2003, <https://thethaiger.com/news/phuket/Democracy-not-goal-Thaksin>.

⁹⁰ Haschke reports that current research identifies “all physical integrity rights violations are politically motivated and centrally orchestrated to defend political status quo and political elites from perceived threats,” arguing, also, that “more often than not, though references to explicitly political motivations for abuse cannot be found in the [U.S. State Department reports].” Haschke, *Human Rights in Democracies*, 73.

⁹¹ Zawacki, *Thailand*, 126.

⁹² U.S. Department of State, “2001 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, March 2002), 3, <http://www.state.gov/j/drl/rls/hrrpt/2001/eap/8378.htm>.

admitted that junior and mid-level officers during this time routinely accepted bribes to augment their low income. Abuse usually targeted the common and marginalized citizens of Thailand.⁹³

Although this democratic period was rated as a 9 on the Polity IV scale—only one mark below the highest rating, for a consolidated democracy—characteristics described in this section drastically depart from the expectations of a democracy. Although the Polity IV project classified Thaksin’s time in office as democratic, it is apparent that democracy was only a label. Thaksin’s era should, instead, be classified as autocratic. The government had the means to improve the quality of life in Thailand and bring more respect to its citizens, but it chose instead to bring terror and uncertainty.

1. Routine Human Rights Abuse

Excessive force, arbitrary abuse, and killings are not uncommon in Thailand; the years 2001 through 2006 were no exception. Routine abuse continued throughout Thaksin’s tenure. From October 2001 to September 2002 alone, forty-eight people died in RTP custody.⁹⁴ Some examples of routine abuse, as mentioned previously, include rape, torture, coercion, and bribery. RTP generally operated with impunity and abuse was rarely investigated. For instance, an individual arrested on allegations of rape died while in RTP custody, and the victim’s family accused the RTP of beating him to death. The RTP refuted the allegations and accused the man’s cellmates of his murder. While in detention, another man died of what the RTP claimed were natural causes, but pathology reports gave evidence the man was beaten to death. RTP officers involved were relieved of duty, but nothing more.⁹⁵ In December 2001, counternarcotic soldiers in Chiang Rai Province physically abused five drug addicts, all of whom were members of minority hill

⁹³ U.S. Department of State, “2001 Country Reports: Thailand”; “2002 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, March 2003), <http://www.state.gov/j/drl/rls/hrrpt/2002/18265.htm>; “2003 Country Reports: Thailand”; “2004 Country Reports: Thailand”; “2005 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, March 2006), <https://www.state.gov/j/drl/rls/hrrpt/2005/61628.htm>; “2006 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, March 2007), <http://www.state.gov/j/drl/rls/hrrpt/2006/78792.htm>.

⁹⁴ U.S. Department of State, “2002 Country Reports: Thailand,” 3.

⁹⁵ U.S. Department of State, 3.

tribe groups. The abuse included the RTP officers forcing the men into holes in the ground, where they were doused with water and ash, and later administering electrical shocks to extract confessions. NGOs and the U.S. State Department both suspect many more drug users and drug traffickers and were beaten by soldiers and RTP officers during interrogations. In 2002, RTP officers in some provinces independently organized “killing teams” to target drug traffickers; there are accounts of RTP officers being ordered to kill drug traffickers in retaliation for deaths of other RTP officers at the traffickers’ hands.⁹⁶

2. Unique Human Rights Abuse

The year 2004 also saw glaring human rights violations by security forces, particularly the RTP. Security forces began to act more independently from civilian government authority. In April, parts of the RTP and military forces killed 100 people when combating separatist Muslim men in the southern provinces close to the Malaysian border. Thirty-two of the separatists were killed after raiding a mosque following a nine-hour standoff. The on-scene commander’s tipping point, after which he ordered the raid, was reported to be the killing of three soldiers following failed negotiations. The deputy prime minister in charge of security and other civilian authorities claim the raid was ordered without their approval and was an independent decision by the local security forces commander.⁹⁷

In October 2004, the U.S. State Department reported that eighty Muslim detainees were killed in Narathiwat Province.⁹⁸ According to the State Department report, the detainees were accused of violent demonstrations during which they were advocating for the release of six people they believed to have been wrongly accused of illegal arms sales. Security forces packed so many men into the transport trucks that the men were unable to move. The trucks were so overcrowded that the men eventually suffocated to death. It was only after public outcry that an independent investigation commission was

⁹⁶ U.S. Department of State, “2001 Country Reports: Thailand”; U.S. Department of State, “2002 Country Reports, Thailand,” 1–4.

⁹⁷ U.S. Department of State, “2004 Country Reports: Thailand,” 2–3.

⁹⁸ U.S. Department of State, 2–3.

assembled to investigate the deaths. The commission concluded that the RTA commanding general and three other senior officers were derelict in their duties, but recommended no further action recommended. The government directed the Ministry of Defense and RTP to conduct a disciplinary board for criminal negligence—no disciplinary action was ever taken.⁹⁹ The gross mismanagement and oversight of these incidents reinforce a culture of impunity and the security forces’ ability to act with almost unlimited authority.

During 2006, the last year of Thaksin’s premiership before the military coup in September, physical abuse, impunity, and repression continued. Security forces continued to be at the forefront of corruption and significant abuse cases. For example, in late August 2006, a RTP lieutenant colonel was arrested and charged with trafficking nine Burmese laborers.¹⁰⁰

The NHRCT received sixty-eight complaints of RTP abuse, down from the 132 received in 2005. Near the end of this “democratic” era, in August, the nearly 213,000-strong RTP force reported 255 officers were charged with criminal offenses—97 were charged with murder or attempted murder.¹⁰¹ These complaints illustrate that the RTP was fearless and accustomed to operating with impunity.

3. Political Human Rights Abuse

The U.S. State Department generically describes Thailand’s government as having a general respect for human rights—”a standard phrase to describe countries that attempt to protect and promote human rights” as “it cannot be stated with absolute accuracy that any government fully respects these rights at all times.”¹⁰² Also, official U.S. State Department reports from 2001 through 2006 gave no narrative of explicit

⁹⁹ U.S. Department of State, 2–3.

¹⁰⁰ U.S. Department of State, “2006 Country Reports: Thailand,” 6.

¹⁰¹ U.S. Department of State, 6.

¹⁰² U.S. Department of State, “2017 Country Reports on Human Rights Practices: Appendix A: Notes on Preparation of the Country Reports and Explanatory Material” (report, U.S. Department of State, 2018), 1–3, <https://www.state.gov/j/drl/rls/hrrpt/2017humanrightsreport/index.htm#wrapper>.

politically motivated killings as officially reported by Thai government agents, but the reports do narrate instances of abuse which can be described as politically charged.

Political abuse was almost dormant at the beginning of Thaksin's era, but abuses began toward the middle of his tenure. In 2003, extrajudicial killings significantly increased and indiscriminate arrests of suspected criminals substantially worsened the government's human rights record, particularly during the three-month war on drugs campaign. During 2003, the U.S. State Department reported that the RTP continued to use "excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial arbitrary and unlawful killings."¹⁰³ By February 2003, 993 people had been killed in conflicts with RTP; by the end of 2003, an estimated 2,200 to 2,300 people were extrajudicially and haphazardly killed. Of the 1,136 drug-related killings from February 1 to April 30, 2003, no arrests were made in 1,195 of the cases—more than 90,000 narcotics-related suspects were taken into custody.¹⁰⁴ About half of these deaths were later officially reported as having no relation to drugs.¹⁰⁵

The war on drugs, directed by Thaksin, had a dual purpose. The campaign was a popularity tool to maintain political support while combatting the hugely problematic methamphetamine problem. Political abuse was beneficial to both Thaksin and his agents. The motivation for security forces to support Thaksin's war on drugs was financial: they were promised monetary incentives and promotions by reaching internal quotas. Quotas came in the form of arrests and body counts—a war of attrition. During the three months of the campaign, security forces had free range to choose their rules of engagement, and basic immunity was given by the state if drugs were even loosely related to RTP investigation methods or operations.

Regularly, any allegations of abuse or murder by RTP officers that were taken to court were either dismissed or justified by the court as warranted deadly force. For

¹⁰³ U.S. Department of State, "2003 Country Reports: Thailand," 1–2.

¹⁰⁴ U.S. Department of State, 2–3.

¹⁰⁵ Human Rights Watch, "Thailand's 'War on Drugs,'" March 12, 2008, <https://www.hrw.org/news/2008/03/12/thailands-war-drugs>.

instance, an RTP officer shot and killed a nine-year-old boy in the back seat of his mother's car after his father was arrested and charged with drug trafficking. Three RTP officers were charged with intentional murder, but the court ruled it was "accidental and justified." Criticism from NGOs led to government action; the government created committees to investigate killings between February and April of 2003. Security forces acknowledged fifty-five killings during the period, thirty-nine of which were forwarded to prosecutors without any further action.¹⁰⁶ Thailand's criminal code significantly contributed to the atmosphere of impunity for security forces. Legal association NGOs and senior prosecutors report that the criminal code requires prosecutors to "rely exclusively upon the recommendations of the RTP when determining whether to bring a case for criminal prosecution" in-turn preventing any significant positive change in RTP conduct.¹⁰⁷

Disappearances and kidnappings connected to the RTP also rose during Thaksin's tenure. For example, human rights activist and lawyer Somchai Neelapaijit disappeared in 2004. Somchai was the lead attorney representing five Muslim defendants charged with raiding a military camp in Narathiwat Province, and three people were suspected members of the terrorist organization Jemaah Islamiya. By 2005, NGOs expressed great concern about the rise of reported disappearances in the southern region—more than fifty men disappeared after they were questioned by security forces.¹⁰⁸ Five RTP officers were charged with robbery and abduction for the fifty disappearances, but only one RTP officer was convicted; he was charged with coercion and was released on bail—no further action was taken.¹⁰⁹ On October 31, 2006, about a month following the coup against Thaksin, General Sonthi Boonyaratkalin (the coup leader) publicly said a personal

¹⁰⁶ U.S. Department of State, "2003 Country Reports: Thailand," 2–3.

¹⁰⁷ U.S. Department of State, 3.

¹⁰⁸ U.S. Department of State, "2005 Country Reports: Thailand," 4.

¹⁰⁹ U.S. Department of State; 4–5.

aide to Thaksin might have been involved in Somchai's disappearance.¹¹⁰ Miraculously, four days later, evidence of Somchai's death was discovered.¹¹¹

Not until Thaksin was nearing reelection in 2005 was there also a rise in self-censorship by the media, deliberate repression of the media by the government, and mysterious deaths of persons associated with the media. Officially, these deaths have never been tied to the government; however, they are undeniably connected to state-sponsored repression that aimed to maintain a positive image of Thaksin and assure his reelection. Some government officials intimidated and harassed journalists and editors, which encouraged self-censorship; press and freedom of speech in 2004 was further limited for the first time by prohibitions on some Internet sites.¹¹² The Police Special Branch also issued "letters of cooperation" to media and news outlets, coercing them to take care when reporting "sensitive political or social issues, including news that could affect national security negatively."¹¹³ Officially, the RTP Special Branch assured diplomats that no such letter was authorized for distribution.¹¹⁴ However, Thaksin successfully maintained political support and state agents continued to reap the benefits of the status quo.

Political repression of the media and newspapers through violence and coercion became more apparent and widespread in 2005. There was also a growing concern about the independence of the press. Human Rights Watch, the Asian Human Rights Commission, and the Southeast Asian Press Alliance described a press that "was suddenly under a dark cloud" in the last quarter of 2005; "threats to emerging independent media ... increased dramatically," and "intimidation, fear, and censorship still permeate[d] the Thai media."¹¹⁵ Throughout 2005, seventeen community radio

¹¹⁰ U.S. Department of State, "2006 Country Reports: Thailand," 4.

¹¹¹ U.S. Department of State, 4.

¹¹² U.S. Department of State, "2004 Country Reports: Thailand," 8–12.

¹¹³ U.S. Department of State, 11.

¹¹⁴ U.S. Department of State, 11.

¹¹⁵ U.S. Department of State, "2005 Country Reports: Thailand," 10.

stations were closed by the government. One politically themed radio station, which was very critical of the government, was raided and its broadcast equipment removed. The manager of the station later quit because of government harassment and violent threats.¹¹⁶ To further intimidate the press and encourage self-censorship, Thaksin filed six civil and criminal defamation suits against newspaper publisher and distributor Manager Media Group—Thaksin sought \$50M in damages.¹¹⁷ A month following the lawsuit against Manager Media Group and its executives, three bombs detonated outside the media group's compound. The RTP suspect the bombs were targeting the group's founder, Sondhi Limthongkul. There were no suspects, and no arrests were made.¹¹⁸ Deaths of people associated with the media continued through 2005.¹¹⁹ These deaths were never proven to be directly associated with security forces, but they are presumed to be linked to the government; there were no suspects or arrests, and those who were killed were outspoken against government corruption and politics.¹²⁰

In August 2006, anti-Thaksin protestors, who were demonstrating at an event where Thaksin was in attendance, were beaten by plainclothes security guards two days later, a different group of anti-Thaksin protestors was beaten by two men as the RTP watched and took no action. This event was captured and broadcast by the news media

¹¹⁶ U.S. Department of State, 10–11.

¹¹⁷ U.S. Department of State, 10–11; the lawsuits were later retracted only because of public disapproval from the king.

¹¹⁸ U.S. Department of State, 10–11.

¹¹⁹ The U.S. State Department reports that on “February 14, Kiat Saetang, the outspoken managing editor of the local Hat Yai Post was shot and killed by two unknown gunmen in Pattani Province. His family and the Thai Journalists Association believed he was killed because he had ((exposed a number of corrupt politicians. On June 1, Manop Ratanajaroongporn, a stringer for Matichon, who had reported on corruption, including illegal logging in the region, was shot by unknown gunmen in Phang Nga Province. There have been a number of indictments in connection with the logging scandal; however, no one has been charged with the shooting. On November 2, Santi Lammaneeenil, owner of the Pattaya Post and freelance reporter, was found dead, blindfolded and bound. He had recently reported on illegal operations in late-night entertainment venues, which police told reporters, may have been a contributing factor in his death”; U.S. Department of State, 11–12.

¹²⁰ U.S. Department of State, 11–12.

and the abusers eventually surrendered to the RTP. However, no action was taken against the idle RTP officers.¹²¹

In June 2006, NHRCT Commissioner Vasant Panich and his family reported intense surveillance by the government. Vasant intently monitored human rights cases in southern Thailand and was heavily involved in the research and investigation of the disappearance of human rights lawyer Somchai Neelaphaijit. Vasant stated being shadowed and receiving anonymous phone calls—actions that closely mirrored events leading up to Somchai’s eventual disappearance. After Vasant publicly announced the incidents and showed concern for his safety through the media, surveillance lessened.¹²²

4. Section Summary

This section characterized human rights abuses in Thailand during Thaksin’s “democratic” governance from 2001 to 2006. Routine human rights abuses during this era were seeming unchanged and centered around the RTP. Unique human rights abuses manifested in the maltreatment of suspects involved in the southern insurgency, where RTP treated people without dignity and caused the death of over eighty people. Political abuse came in the form of a terror spree labeled as a war on drugs, which resulted in the death of an estimated 2,300 people. Systemic abuse unmistakably occurred before Thaksin’s administration and throughout his tenure. Thaksin fostered an authoritarian environment from which he and his state agents dually benefited. It cannot go unnoticed that Thaksin’s close connection to the RTP allowed the RTP to operate with autonomy. RTP methods, no matter how violent, were never questioned as long as they delivered the results Thaksin wanted.

¹²¹ U.S. Department of State, “2006 Country Reports: Thailand,” 17.

¹²² U.S. Department of State, 9.

C. SURAYUD CHULANONT: HUMAN RIGHTS ABUSE CHARACTERIZED FROM SEPTEMBER 2006 TO JANUARY 2008

The military coup leaders swiftly appointed retired General Surayud Chulanont as prime minister and leader of the interim government after Thaksin was ousted. Military generals comprised the newly formed Council for National Security (CNS), which governed Thailand in association with a heavy technocratic cabinet.¹²³ A new constitution was written; among its goals were to prevent elected officials from gaining as much power as Thaksin had and to stop electoral corruption.¹²⁴ An independent judiciary was formed in an attempt to curb corruption and outside influence. Some NGOs reported that public trust in the judiciary declined, however, because the government failed to make any progress in highly visible human rights cases that involved the RTP and RTA, which discouraged victims or their families from coming forward.¹²⁵

Nothing was particularly unique about the newly installed government under General Surayud. PTS data remained consistent, indicating a steady strain of abuse stemming from the TRT and the military government.¹²⁶ However, the Polity IV Project score dropped from a 9 to -5, placing the military-controlled government only one point away from full autocracy. The tone and defining characteristics of the government, however, were not particularly different than they were during Thaksin's regime; the primary difference was that a civilian state executive was replaced. Thailand's polity score rose from the -5 to -1 in 2007 due to the swift progression of free and fair elections, though this score still falls within the anocratic range.¹²⁷

Human rights abuse, discussed in the following sections, went seemingly unchanged compared to Thaksin's administration, though freedom of speech was increasingly limited. Physical abuse and intimidation remained consistent.

¹²³ U.S. Department of State, "2007 Country Reports: Thailand," 1.

¹²⁴ Patrick Jory, "Thailand's Constitutional Reform in Changing Times," East Asia Forum, March 27, 2012, <http://www.eastasiaforum.org/2012/03/27/thailand-s-constitutional-reform-in-changing-times/>.

¹²⁵ U.S. Department of State, "2007 Country Reports: Thailand," 7.

¹²⁶ Gibney et al., "Political Terror Scale."

¹²⁷ Center for Systemic Peace, "Polity IV Annual Time-Series."

1. Routine Human Rights Abuse

Although the tone of routine abuse did not differ from Thaksin's regime, impunity was more prevalent. The RTP and RTA operated under martial law and an emergency decree that granted them a broad spectrum of power. Full martial law was in effect until January 26, 2007, when it was lifted in forty-one of the seventy-six provinces. Twenty provinces and parts of fifteen other provinces, however, still remained under martial law and the emergency decree.¹²⁸

Under Surayud's anocratic government, the U.S. State Department reports that "security forces continued at time to use excessive force against criminal suspects and also committed or were connected to extrajudicial, arbitrary, and unlawful killings. There were reports that police tortured, beat and otherwise abuse detainees and prisoners."¹²⁹ Prisons remained unsanitary and overcrowded. Of the 751 prisoners or persons in custody during the regime, fifty-two died due to the RTP's actions; Thai officials state that most of the deaths were due to natural causes.¹³⁰ The RTP blamed institutionalized corruption at the lower ranks and low pay for the continued routine abuse.¹³¹

Personal vendettas or disputes also contributed to routine human rights abuse. For example, Nopphon Chaiwichit was killed by four unidentified men and his daughter was injured after he accused a police officer of being connected to the disappearance of his wife's son-in-law (who disappeared 2003) and her daughter (who disappeared in 2006). No one has been charged or questioned and the police officer remained on active duty after the accusation. In another example, Thinnawut Phumuda and Phatphong Sisamut were shot and killed by an RTP lieutenant colonel at an entertainment complex after a disagreement. No charges were filed against the officer.¹³²

¹²⁸ U.S. Department of State, "2007 Country Reports: Thailand," 1.

¹²⁹ U.S. Department of State, 1.

¹³⁰ U.S. Department of State, 2.

¹³¹ U.S. Department of State, 5.

¹³² U.S. Department of State, 2.

2. Unique Human Rights Abuse

The southern insurgency continued to plague the anocratic regime under Surayud and contributed to human rights abuse; “government forces were accused of extrajudicial killings, arbitrary arrests, and torture of individuals suspected of involvement with separatists.”¹³³ The emergency decree was in full effect in the southern provinces, granting significant power to the RTA and granting soldiers broad immunity from prosecution. For example, RTA soldiers shot and killed two teenagers who they had mistaken for militants. The army offered \$25,500 in restitution, but no disciplinary actions were taken.¹³⁴

The NHRCT reports that 348 people were detained by security forces under the emergency decree, stating that the reasons for the arrests were “unclear, that they were carried out at random, and that the arrest and detention of children contravened criminal laws because interrogation of children took place without the presence of an individual trained in child care.”¹³⁵ Further, the NHRCT found that the detainee facilities were unsanitary, and the detainees had visible wounds indicative of mistreatment. No members of the security forces were accused of abuse or prosecuted.¹³⁶

3. Political Human Rights Abuse

Even though physical political human rights abuse was not as prevalent due to fear of the military-run government, there were notable incidences of abuse. In July 2007, there was a large clash between United Front for Democracy against Dictatorship (UDD) anti-coup protestors and the RTP. UDD protestors—3,000 of them—marched to the home of Privy Council Prem Tinsulanonda (who was said to have organized the coup to overthrow Thaksin) and forced their way past RTP barriers. RTP officers deployed

¹³³ U.S. Department of State, 9.

¹³⁴ U.S. Department of State, 9.

¹³⁵ U.S. Department of State, 12.

¹³⁶ U.S. Department of State, 12.

teargas and pepper spray, injuring 200 protestors and 77 RTP officers. The NHRCT commissioner was also expelled from his position for participating in the protest.¹³⁷

Security forces were also accused of raids and of intimidating PPP candidates after restrictions were lifted to allow political gatherings. Further, the election commission told former TRT executives that they were not allowed to advise members of the PPP campaign or be photographed publicly. Evidence was also found that the CNS (the ruling junta) attempted to purposely destabilize PPP plans. The election commission sided with the CNS and “ruled the CNS had not acted improperly because the constitution granted the CNS legal immunity and there was no evidence the CNS implemented the plan.”¹³⁸

4. Section Summary

Though the perception of human rights suffered after Thaksin because of the coup, Thailand’s PTS score remained the same, showing that the level of abuse remained consistent between Thaksin’s and Surayud’s governments; the only difference was the occasions that surrounded the abuse. The Polity IV Project score sunk under Surayud because of the lack of an elected government, but the score lifted during the military-controlled government as Thailand prepared for elections.

C. SAMAK SUNDARAVEJ AND SOMCHAI WONGSAWAT: HUMAN RIGHTS ABUSE CHARACTERIZED FROM JANUARY 2008 TO DECEMBER 2008

Samak Sundaravej and Somchai Wongsawat’s time in office was short. The Polity IV score increased during this time from -1 to a 4, only because elections and the premiership returned to civilian control.¹³⁹ Although Thailand’s polity score increased and the government viewed itself as democratic (based on the general election), the country remained classified as anocratic. Both prime ministers served to carry on

¹³⁷ U.S. Department of State, 18–19.

¹³⁸ U.S. Department of State, 26.

¹³⁹ Center for Systemic Peace, “Polity IV Annual Time-Series.”

Thaksin's legacy by their selection to lead the newly formed People's Power Party (PPP)—nothing more than Thaksin's Thai Rak Thai party, renamed. Much of the Thai public believed the PPP campaign was funded by Thaksin and anyone who led the PPP was nothing more than Thaksin's puppet.¹⁴⁰

The PPP administration allowed human rights abuses to continue. Reports from the U.S. State Department for 2008 reveal a sustained pattern of physical human rights abuse similar to those under Thaksin's administration from 2001 to 2006 and the ruling military junta from September 2006 until December 2007. Zawacki notes that Samak and Somchai's human rights record was not impressive, and there was even discussion of another war on drugs.¹⁴¹ Further, the newly established "democracy" still had a rising number of human rights abuse allegations in counterinsurgency operations in the deep south, experienced seven new *lèse majesté* cases, and had an emergency decree still in force, which gave security forces a wide range of liberal power for most of 2008.¹⁴²

1. Routine Human Rights Abuse

U.S. State Department reports for 2008, again, overwhelmingly focus on the RTP and military, consistently illustrating a systemic pattern of "excessive, and at times lethal, force against criminal suspects or were connected to numerous extrajudicial, arbitrary, and unlawful killings, including killings by security force personnel acting in a private capacity."¹⁴³ This suggests that the RTP and RTA committed murders under an official capacity and to rectify personal vendettas. For example, in 2008, U.S. State Department reports reveal that thirty-four people were killed during the arrest process alone, showing the extraordinary force RTP officials were willing to use. In addition to those killed during the arrest process, 459 people died in prison or while in RTP custody; officially,

¹⁴⁰ Terwiel, *Thailand's Political History*, 294.

¹⁴¹ Zawacki, *Thailand*, 222.

¹⁴² Zawacki, 222.

¹⁴³ U.S. Department of State, "2008 Country Reports: Thailand," 2.

RTP authorities ruled the cause of most deaths to be natural causes.¹⁴⁴ While the majority of the abuse was committed by the RTA and RTP, the Muslim community also “complained of societal discrimination both by Buddhist citizens and the central government.”¹⁴⁵

2. Unique Human Rights Abuse

The deep south insurgency conflict continued in the provinces of Yala, Pattani, and Narathiwat (near the Thailand–Malaysia border). Security forces, border patrol, and task force units committed acts of torture that led to the eventual death of some victims. In 2008, eighty-four unidentifiable bodies were turned over to the Central Institute of Forensic Science. The unidentifiable persons were believed to have been part of extrajudicial killings carried out in RTA-sponsored reeducation centers after the victims were questioned by security officials in the southern provinces.¹⁴⁶ The U.S. State Department and NGOs highlight two specific cases—the death of Imam Yapa Koseng and the targeting of students by the RTA and Border Patrol Police. These cases offer an example of the many other cases of torture and abuse committed by the RTA and other security forces agents in the deep south.

In Narathiwat Province in 2008, RTA Task Force (TF) 39 detained Imam Yapa Koseng and his two sons. Eyewitness accounts claim that Yapa was hung “upside down from a tree,” where officials “subjected him to multiple beatings, and pierced his fingernails, toenails, and genitalia with syringes.”¹⁴⁷ Yapa eventually died while in custody; after his body was given to his family, they requested a medical inquiry. The medical examination confirmed blunt force trauma was the cause of Yapa’s death and corroborated detainee eyewitness accounts of Yapa’s torture. RTA officials maintained

¹⁴⁴ U.S. Department of State, 2–3; “2009 Country Reports: Thailand,” 2–3; “2010 Country Reports: Thailand,” 2–3; “2011 Country Reports on Human Rights Practices: Thailand” (reports, U.S. Department of State, 2012), 2–3, <https://www.state.gov/j/drl/rls/hrrpt/2011humanrightsreport/index.htm?dliid=186310#wrapper>.

¹⁴⁵ U.S. Department of State, “2009 Country Reports: Thailand,” 20.

¹⁴⁶ U.S. Department of State, “2008 Country Reports: Thailand,” 2.

¹⁴⁷ U.S. Department of State, 4.

that Yapa died of natural causes and no members of RTA TF 39 were punished; the courts did not identify the offenders.¹⁴⁸ Charges were filed against five soldiers in 2009, but by September 2010 the case was rejected and dismissed, with officials “stating the criminal proceedings should be filed with military court.”¹⁴⁹ Criminal charges against an RTP superintendent who was said to be involved were also dropped.¹⁵⁰

RTA TF 11 and the Border Patrol Police, in separate instances, targeted students and a teacher who they suspected were part of the pro-insurgent group. The students were held for nine days and subjected to physical torture before being released.¹⁵¹ Aminudeen Kaji, a religious teacher, was detained by border patrol agents who “subjected him to beatings, strangulation, and suffocation with plastic bags; boxed both temples so that his eardrums burst; stomped on his throat; and told him to confess to crimes or choose between being killed immediately or being killed while being made to look as if he had tried to escape.”¹⁵² By 2010, no charges had been made against any RTA soldier or Border Patrol Police official.

3. Political Human Rights Abuse

The central government continued to the restriction on “freedom of speech, freedom of the press, and freedom of assembly that was imposed during the 2006 coup.”¹⁵³ Samak was critical of the media—rejecting media criticisms about his statements and activities—and used his government agents to interfere with media operations throughout his short tenure.¹⁵⁴ Government officials also tried to discredit news and media organizations through their own government-owned and operated stations and state-sponsored programming via the National Broadcasting Service of

¹⁴⁸ U.S. Department of State, 2.

¹⁴⁹ U.S. Department of State, “2010 Country Reports: Thailand,” 2.

¹⁵⁰ U.S. Department of State, 2.

¹⁵¹ U.S. Department of State, “2008 Country Reports: Thailand,” 4.

¹⁵² U.S. Department of State, 4.

¹⁵³ U.S. Department of State, 1.

¹⁵⁴ U.S. Department of State, 14.

Thailand.¹⁵⁵ Several stations that were critical of Samak—for instance, stations that were critical of his comments about the 1976 student massacre or in coverage of antigovernment rallies—shut down operations because of threatening phone calls from government officials.¹⁵⁶ Two reporters were violently attacked in 2008: one reporter’s car was set on fire, and another reporter was shot and killed in his home—both suspected to be targeted for their politically sensitive reporting.¹⁵⁷

4. Section Summary

There was no improvement in Thailand’s human rights under Samak and Somchai in 2008. For the sake of the PPP, both Samak and Somchai maintained the same characteristics as the TRT party and promoted abuse. Abuse by security forces remained unchecked and even increased, as partial martial law and the emergency decree were still active. The same unique abuse in the deep south continued, with no substantial progress toward a resolution. Political abuse was not as harsh as when Thaksin was in office, but coercion and intimidation were still widespread in an attempt to keep a positive image of the PPP. The PPP administration presented no progressive characteristics of democracy despite Thailand’s self-classification of a democracy during this period due to the general election. The Polity Project classification of Thailand as an anocracy or semi-authoritarian government accurately describes the Thaksin proxy PPP regime.

D. ABHISIT VEJJAJIVA: HUMAN RIGHTS ABUSE CHARACTERIZED FROM DECEMBER 2008 TO AUGUST 2011

Abhisit Vejjajiva, the head of the democratic party (supported by the yellow shirts)—in opposition to the PPP (supported by the red shirts)—assumed premiership without a general election; a civilian selection committee voted him into office following the ban of the PPP.¹⁵⁸ This shift from Thaksin’s government (to include the PPP), and

¹⁵⁵ U.S. Department of State, 16.

¹⁵⁶ U.S. Department of State, 16–17.

¹⁵⁷ U.S. Department of State, 16.

¹⁵⁸ U.S. Department of State, 1; Terwiel, *Thailand’s Political History*, 294–300.

even from the military government, induced no substantial decrease in human rights abuses. The change, Zawacki observes, was nothing more than a change in state leadership: “Thailand’s human rights record changed in color [from red shirt support to yellow shirt support] but not in tone.”¹⁵⁹

U.S. State Department reports show maintained, widespread corruption in the general administration during this time, but most notably in the security forces and judiciary. Government authorities generally operated with a sense of entitlement and unlimited power, and without fear of reprisal. The use of martial law and later an emergency decree granted immunity to security forces and allowed any actions performed in the scope of their duties, no matter how brutal, to avoid scrutiny from the Administrative Court.¹⁶⁰

1. Routine Human Rights Abuse

There was no significant change in routine human rights abuse during Abhisit’s time in office. U.S. State Department reports continued to describe security forces as using excessive force and subjective intent to commit abuse, and committing unlawful killings and alleged disappearances. Also, generally, RTP and other security forces’ modus operandi was similar to that of previous administrations since 2001. Corruption remained prominent among lower-ranking officials, who committed “sexual harassment, theft, and malfeasance.”¹⁶¹

2. Unique Human Rights Abuse

In 2009, martial law was imposed, along with an emergency decree granting immunity to security forces in the performance of their duties. As a result, 447 persons

¹⁵⁹ Zawacki, *Thailand*, 196.

¹⁶⁰ U.S. Department of State, “2009 Country Reports: Thailand,” 9.

¹⁶¹ U.S. Department of State, “2010 Country Reports: Thailand,” 24.

were arbitrarily arrested and twelve of them killed during the arrest process or as part of an insurgency-related encounter.¹⁶²

From December 2008 until January 2009, repatriation of refugees was enforced without reason. Local civil authorities, without approval from the central authority, initiated a push-back policy.¹⁶³ The policy targeted Rohingya refugees escaping persecution from Burma. While in transit to Thailand, hundreds of Rohingya refugees were forcefully diverted, detained, and then towed back to sea with little food or water. Poor conditions on the boat, including scarce supplies, resulted in deaths.¹⁶⁴ The Thai government also forcefully returned 4,351 Hmong to Laos. The push-back policy was rescinded following international media attention.¹⁶⁵

3. Political Human Rights Abuse

Red shirt faction protests against Abhisit's legitimacy and authority to hold office became increasingly violent in 2009 and 2010. In 2009, 300 red shirt protestors stormed the Royal Cliff Hotel in Pattaya and caused mass chaos and destruction, halting the scheduled Association of Southeast Asian Nations (ASEAN) summit. The demonstration caused an emergency evacuation of foreign leaders from the rooftop of the Royal Cliff Hotel and forced other leaders to be re-routed and immediately returned to their home countries.¹⁶⁶ The event was a major embarrassment for the Thai government, and sparked Abhisit to order a massive crackdown against red shirt political protests—a tactic not seen in such measures seen since the 1992 political riots in Bangkok.¹⁶⁷ Surprisingly, Deputy Prime Minister Suthep Thaugsuban later admitted he predicted political violence at the ASEAN summit and that he had paid a significant, untrained mass of civilian

¹⁶² U.S. Department of State, "2009 Country Reports: Thailand," 11.

¹⁶³ U.S. Department of State, 24.

¹⁶⁴ U.S. Department of State, 24.

¹⁶⁵ U.S. Department of State, 23.

¹⁶⁶ Nirmal Ghosh, *Unquiet Kingdom: Thailand in Transition* (Singapore: Straits Times Press, 2017), 97–98.

¹⁶⁷ Ghosh, 108.

volunteers to assist with security against red shirt protestors, as a means to mask RTA and RTP involvement. Nicknamed the *blue shirts*, this private group of civilians was described as hired thugs; they wore blue shirts adorned with the phrase “protect the institution,” were armed with sticks, rods, and rocks, and were in full view of the security forces at the summit.¹⁶⁸ The tension between the blue shirts and red shirts began a day before the event, when blue shirts taunted, provoked, and even threw rocks at the red shirts. Suthep blamed this unconventional use of civilians on Thailand’s lack of anti-riot laws, later stating that “the government stressed no weapons would be used, and everyone agreed”; however, he could not explain why the blue shirts were armed.¹⁶⁹ Suthep also admitted that the Interior Ministry had previously employed blue shirts in other areas of the country “to avoid creating a perception that Thai people clashed with one another.”¹⁷⁰

Following the Royal Cliff Hotel incident, Abhisit declared a state of emergency that the RTA finally began to enforce twenty-four hours later.¹⁷¹ RTA forces were deployed throughout Bangkok to push back and disperse red shirts who were organized and protesting throughout the government section of the city.¹⁷² According to a government spokesperson, RTA soldiers were given strict orders to not fire directly at protestors; instead, they fired blanks.¹⁷³ However, some RTA soldiers ignored the orders and fired directly at protestors, resulting in casualties. Intense skirmishes lasted for twelve hours before some sense of order was restored.¹⁷⁴ Approximately twenty people were claimed to have been killed by RTA soldiers, none of whom faced legal charges.¹⁷⁵ Journalist and author Mirmal Ghosh notes that the Thai government had no choice to

¹⁶⁸ Ghosh, 99, 96.

¹⁶⁹ Ghosh, 99.

¹⁷⁰ Ghosh, 99.

¹⁷¹ Ghosh, 101.

¹⁷² Ghosh, 101.

¹⁷³ Ghosh, 103.

¹⁷⁴ Ghosh, 101.

¹⁷⁵ Ghosh, 107.

respond to the even to restore peace, but that the response came at a cost: it painted the RTA in 2009 as both the suppressor of the people and a ready force for disasters.¹⁷⁶ Ghosh also emphasizes that Abhisit's deployment of the RTA during the 2009 crackdown on the red shirts reflected his distrust of the RTP. Noteworthy, also, is that the senior commanding officers during the 2009 crackdown were General Prayuth Chan-o-cha and General Prawit Wongsuwan, the current junta prime minister and junta deputy prime minister, respectively.¹⁷⁷

From March through May 2010, violence between red shirt protestors and security forces persisted and grew more violent. By March, red shirts had reorganized and restarted their rally, calling for Abhisit's resignation. Red shirt protestors and sympathizers donated their blood and splattered it on the entrance of the Government House and the ruling Democratic Party headquarters.¹⁷⁸ The RTA and RTP were dispatched to the scene, which became violent. RTP officers marched down the street, some officers pushing past RTA guards to beat protestors. Later the RTP charged the red shirt protestors and beat anyone who was not fast enough when the protestors scattered.¹⁷⁹

April 2010, which became known as *Cruel April*, was a "clumsy and bloody affair" of red shirt clashes with security forces, during which twenty-six people were killed and 860 injured.¹⁸⁰ Ten thousand RTA troops were deployed in Bangkok to uproot the firmly implanted red shirt camp at Pan Fah Bridge, along with protests at Ratchadamnoen Avenue and Ratchaprasong.¹⁸¹ RTA forces created an in-depth defense of front-line soldiers armed with shields and batons; deeper within, however, RTA soldiers were armed with shotguns, M16s, and tear gas. RTA snipers were even

¹⁷⁶ Ghosh, 108.

¹⁷⁷ Ghosh, 109.

¹⁷⁸ Ghosh, 110.

¹⁷⁹ Ghosh, 112.

¹⁸⁰ Claudio Sopranzetti, *Owners of the Map: Motorcycle Taxi Drivers, Mobility, and Politics in Bangkok* (Oakland: University of California Press, 2018), 205.

¹⁸¹ Ghosh, *Unquiet Kingdom*, 114–15; Sopranzetti, *Owners of the Map*, 213.

deployed. A small fight ensued before the red shirts dispersed and regrouped in the government district near Democracy Monument, after which an even larger battle took place. Evidence shows that RTA soldiers fired live ammunition into the crowds, but the Thai Department of Special Investigations was ultimately unable to determine if security forces were responsible for the civilian deaths. Among some of the civilians killed were red shirt protestors and a Reuters journalist. RTA Colonel Romklao Thuwatham was killed by a grenade blast from armed elements of red shirts protestors. RTA forces were not able to completely break up the red shirts, and the security forces eventually retreated.¹⁸² Despite this retreat, Abhisit defended his position to deploy security forces to push back and disperse protestors. After fighting subsided, Abhisit went on television to express remorse for the fighting and bloodshed, but maintained that red shirt protestors were responsible for starting the violence.¹⁸³ On April 7, a new government entity was established called the Center for the Resolution of the Emergency Situation (CRES). CRES was a committee “of senior military officers, senior officials, and government ministers headed by Suthep Thaugsuban, the secretary general of the ruling Democrat party [and deputy prime minister]. From that point, until the end of the protests [December 2010], CRES operated as a shadow government, often wielding more power than the prime minister himself.”¹⁸⁴

Violence between protestors and security forces reached its peak in May 2010. While there were many failed negotiations and attempts to disperse protestors between March and May 2010, the military’s assassination of rebel red shirt strategist RTA Major-General Khattiya (also known as Seh Dang) during a television interview was the spark that ignited an all-out war. The calculated assassination revealed the military was no longer going to tolerate the red shirts, and that the military was ready for a full-on conflict with as much deadly force necessary to end protestor occupation.¹⁸⁵ Scholar

¹⁸² Ghosh, *Unquiet Kingdom*, 114–15.

¹⁸³ Ghosh, 117.

¹⁸⁴ Sopranzetti, *Owners of the Map*, 203.

¹⁸⁵ Sopranzetti, 217.

Claudio Sopranzetti notes, “The Bangkok central business district resembled a war zone with almost uninterrupted live ammunition shots, grenade attacks, sniper hits, and guerilla warfare tactics, from walls of burning tires to an endless game of cat-and-mouse between soldiers and protestors.”¹⁸⁶ Fighting between protesters and the RTA resulted in ninety-two deaths and thousands of people injured.¹⁸⁷ Sopranzetti compares the security forces’ actions to—particularly their use of force—to their historical use of force, noting, “As, in previous political movements in Thailand, the army had brutally choked the protestors’ voices in blood.”¹⁸⁸

The government also selectively imposed censorship in April 2009 and in May 2010 during the periods of violent unrest between the red shirts and security forces.¹⁸⁹ Journalists and news agencies were subjected to harassment and intimidation. Major newspapers like the *Bangkok Post* were allowed to continue operating, but smaller news agencies that were affiliated with the red shirt faction or Thaksin’s party were affected. Under emergency decree, Deputy Prime Minister Suthep ordered the shutdown of the People’s Television Network (PTV), a news station operated by the United Front for Democracy against Dictatorship (UDD, or the red shirts).¹⁹⁰ Suthep alleged that PTV manipulated information about the government’s actions during clashes with red shirt protesters. Thaicom, a satellite operations company, was also ordered to terminate service to D-station, a UDD-run news organization that had restarted its broadcast services in May 2010; the RTP later raided D-Station and seized broadcasting equipment. Twenty-five local radio stations throughout Thailand that were identified as pro-red shirt were also raided by the RTP, who seized their equipment and shut down the stations.¹⁹¹

¹⁸⁶ Sopranzetti, 219.

¹⁸⁷ U.S. Department of State, “2010 Country Reports: Thailand,” 2.

¹⁸⁸ Sopranzetti, *Owners of the Map*, 222.

¹⁸⁹ U.S. Department of State, “2009 Country Reports: Thailand,” 13; “2010 Country Reports,” 14.

¹⁹⁰ U.S. Department of State, “2010 Country Reports: Thailand,” 14.

¹⁹¹ U.S. Department of State, “2014 Country Reports: Thailand,” 14.

Internet censorship also increased. Under the auspices of the broadly defined offenses in the Computer Crimes Act and emergency decree, antigovernment websites, sites deemed critical of the monarchy or pro-Thaksin, and political discussion forums were either blocked or heavily monitored. As a precaution, some newspaper companies disabled public comments to help avoid lèse-majesté charges.¹⁹² “According to a report from i-Law, the government used the Computer Crimes Act to block almost 44,000 specific URLs, approximately 88 percent which was lèse-majesté related content. The research also revealed that the courts took relatively little time to review a URL.”¹⁹³

In 2013, the Office of the Attorney General announced its intent to charge Abhisit and Deputy Prime Minister Suthep, with murder for the lethal use of force in 2010. Before the charges were made official, however, the Criminal Court under the National Council for Peace and Order (NCPO; established during the 2014 coup) dismissed the murder charges under the premise that only the National Anti-Corruption Commission could investigate a prime minister and deputy.¹⁹⁴ As one website notes, “Throughout Thailand’s history of violent crackdown (ranging from the massacres of 1973, 1976, and 1992) there has never been a successful case where government officials were brought to trial.”¹⁹⁵

If Abhisit and Suthep had been charged and found guilty by the National Anti-Corruption Commission, the case would have been forwarded to the Supreme Court’s Criminal Division for Persons Holding Political Positions. The maximum punishment possible would have been a lifetime ban on holding any political office—an appalling example of official impunity.¹⁹⁶

¹⁹² U.S. Department of State, “2010 Country Reports: Thailand,” 16.

¹⁹³ U.S. Department of State, 16.

¹⁹⁴ Tyrell Haberkorn, *In Plain Sight: Impunity and Human Rights in Thailand*, New Perspectives in Southeast Asian Studies (Madison: University of Wisconsin Press, 2018), 192.

¹⁹⁵ Pokpong Lawansiri, “Thai Style Reconciliation a Recipe for Further Conflict,” New Mandala, August 25, 2010, <https://www.newmandala.org/thai-style-reconciliation-a-recipe-for-further-conflict/>.

¹⁹⁶ Haberkorn, *In Plain Sight*, 192.

4. Section Summary

As in previous regimes, systemic routine abuse was persistent during Abhisit's 2009–2011 tenure. Abhisit did little to nothing to combat security forces' abuse. The same three factors that emerged under Thaksin were either the motivation or additional reason for continued non-political abuse: low pay; a corrupt judiciary that relied on security forces for investigation alone, and a general lack of respect for the worth of the ordinary citizen. Human suffering and dignity continued to be dismissed.

Political abuse slowly ramped up as protestors questioned the legitimacy of Abhisit's government. State-sponsored censorship of the Internet and media increased to keep the public quiet. After Abhisit and the Thai government were internationally embarrassed following the Royal Cliff Hotel incident, the executive branch and security forces lost restraint. Abhisit, in his loyalty to the Democratic Party, condoned the mass mobilization of security forces and murderous violence to crush the voice of protestors and to maintain the status quo.

E. YINGLUCK SHINAWATRA: HUMAN RIGHTS ABUSE CHARACTERIZED FROM AUGUST 2011 TO MAY 2014

Yingluck Shinawatra, Thaksin's sister, was Thailand's first female prime minister and another proxy for Thaksin to stay involved in Thai politics. Human rights abuse did not change significantly during Yingluck's time in office; the difference between Thailand's PTS score during Abhisit's and Yingluck's regimes was only .17, with Yingluck's government averaging 3.5.¹⁹⁷ The Polity IV Project score increased to 7—just barely past the minimum required score for Thailand to be classified as democratic.¹⁹⁸ As with her brother's government, the only reason Yingluck's government was able to achieve this score was because of free and fair elections. Thaksin's hand was at play, however, dictating the moves for his newest version of the TRT party, now known as the PTP.¹⁹⁹ Yingluck's era, too, should be more accurately

¹⁹⁷ Gibney et al., "Political Terror Scale Dataset."

¹⁹⁸ Center for Systemic Peace, "Polity IV Annual Time-Series."

¹⁹⁹ International Crisis Group, "A Coup Ordained," 9.

classified, at a minimum, as anocratic. During her almost three years as prime minister there was no significant improvement in human rights.

1. Routine Human Rights Abuse

RTP abuse continued in the form of excessive and lethal force, along with extrajudicial, random, and unlawful killings; 109 suspects were killed during the arrest process between October 2011 and September 2012—a 50 percent increase compared to deaths over the same duration during Abhisit’s tenure.²⁰⁰ Official impunity was still enforced by the emergency decree and the Internal Security Act. In November 2012, an antigovernment rally turned violent. One of the demonstrators rammed a police checkpoint, injuring several officers. Sixty-eight people were injured—including fifteen in serious condition—among demonstrators, RTP, and the press. Although 138 demonstrators were arrested, all but one of them were released the next day without any charges.²⁰¹ It is not apparent how much of the violence was due to excessive force by the RTP, and how much from force employed in self-defense.

2. Unique Human Rights Abuse

Security forces abuse at the southern border, in reference to the Muslim insurgency, was identified as “the most persistent human rights problem” during Yingluck’s time in office.²⁰² At the four most southern provinces, the emergency decree and Internal Security Act, along with martial law, were still enforced.²⁰³ In a southern detention facility, Muslim detainees complained of beatings, torture, forced labor, and coercion by guards. Security forces continued to be protected by official impunity by virtue of their duties in the southern region.²⁰⁴ In January and June of 2012, there were two possible forced abductions in the deep south. The first was of Nasuelean Pi, who was

²⁰⁰ U.S. Department of State, “2012 Country Reports: Thailand,” 2.

²⁰¹ U.S. Department of State, 8.

²⁰² U.S. Department of State, 1.

²⁰³ U.S. Department of State, 1.

²⁰⁴ U.S. Department of State, 4–5.

last seen being escorted out of a tea shop by two men in RTA uniforms. The other was Abdullo Kutha, who went missing after going to a military camp to meet with a member of the 43rd Paramilitary TF. Both men remain missing and no suspects have been named in their disappearances.²⁰⁵ The military also continued to encourage village leaders or local government officials (by official letter) to nominate a specific number of “voluntary villagers” to attend a “workshop.” The “workshop” was nothing more than an interrogation in which villagers had to also provide fingerprints and DNA and were photographed.²⁰⁶

3. Political Human Rights Abuse

As in the other regimes examined, there were no confirmed official reports of politically motivated killings during Yingluck’s time in office; however, there were deaths that were suspected of being politically charged. Five people were shot and killed in 2012, including two political canvassers (one PTP and the other Democrat Party) who were gunned down when returning home from a campaign, and three canvassers of the Bhum Jai Thai Party—closely associated with the PTP party leader—who were shot and killed following campaign rallies. Police never made progress in the investigations and no one was charged with murder.²⁰⁷ Because only one of the deaths was associated with the opposing party (the Democrat Party), there is reason to believe that, as in the other regimes since 2001, government officials (in conjunction with security forces) were performing targeted killings.

The U.S. State Department reports that the number of *lèse majesté* cases remained high during this time as well. Before 2006 there were about five *lèse majesté* cases a year; in 2012 there was eight-four new cases with a conviction rate of 100 percent. Between seven and eighteen people were still in detention at the end of 2012.²⁰⁸ The cases were arbitrarily selected for conviction and usually over minor offenses like

²⁰⁵ U.S. Department of State, 12.

²⁰⁶ U.S. Department of State, 13.

²⁰⁷ U.S. Department of State, 2.

²⁰⁸ U.S. Department of State, 14.

innocuous comments on online news websites. For example, Somyot Phruksakasemsuk, a magazine editor, remained in detention because of two articles he wrote in the *Voice of Thaksin* magazine in 2010. In 2012, he petitioned the Constitutional Court to invalidate Article 112 (lèse majesté). His efforts failed and the court ruled his conviction as constitutional because “such offenses represent threats to national security.”²⁰⁹ Offenders were generally targeted because of their public support of Thaksin and Yingluck.

4. Section Summary

There was nothing particularly special about Yingluck’s time in office. She, too, was involved with suspected corruption and eventually overthrown by a military junta. The government, to include security forces, continued to operate with impunity and within its own agenda. Human rights abuses remained steady with no sign of change or positive steps toward reform.

F. GENERAL PRAYUT CHAN-O-CHA: HUMAN RIGHTS ABUSE CHARACTERIZED FROM MAY 2014 TO DECEMBER 2017

The U.S. State Department, numerous human rights NGOs, and news organizations continue to report the same human rights infringements under Prayut Chan-o-cha as in previous regimes.²¹⁰ Thailand’s Polity IV Project score under Prayut was downgraded from 7 (democratic) to -3 (anocratic) after he took office, where it remains today. It is important to remember, however, that Yingluck’s government (officially classified as democratic) failed to truly meet the expectations of a multidimensional democracy and only received the title of democracy because of elections.²¹¹ The PTS

²⁰⁹ U.S. Department of State, 14.

²¹⁰ U.S. Department of State, “2013 Country Reports: Thailand,” 1; “2014 Country Reports,” 1; “2015 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, 2016), 1, <https://www.state.gov/j/drl/rls/hrrpt/2015humanrightsreport/index.htm?year=2015&dliid=252803#wrapper>; “2016 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, 2017), 1, <https://www.state.gov/j/drl/rls/hrrpt/2016humanrightsreport/index.htm?year=2016&dliid=265376#wrapper>; “2017 Country Reports on Human Rights Practices: Thailand” (report, U.S. Department of State, 2018), 1, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=277121#wrapper>.

²¹¹ Center for Systemic Peace, “Polity IV Annual Time-Series.”

remained relatively stable, at 3.16, from 2013 to 2017 and has not significantly increased or decreased.²¹²

The most notable change under this military junta—a difference from the conditions after the 2006 coup—is that “the military is concentrating power in its own hands rather than recruiting technocrats to handle pressing economic issues and run the government,” assuring the military remains heavily influential and retains complete control.²¹³ Another powerful change throughout Thailand was NCPO order 3/2015, which replaced martial law and put in place several broad, sweeping controls to solidify Prayut’s power. The first was Article 44, a new law that gave Prayut absolute authority. Second was Article 48, which granted “immunity to coup leaders and their subordinates for any pre or postcoup actions ordered by the NCPO, regardless of the legality of the action.”²¹⁴ Finally, the government instituted a broader use and interpretation of Section 112 (lèse majesté) and Article 19 (the Computer Crimes Act).²¹⁵ Combined, these changes afford Prayut and the NCPO limitless ability to yield power with official impunity. The new and revised articles were included in the NCPO’s interim constitution and are still considered lawful under the newly signed 2017 constitution.²¹⁶

Even with a stable PTS score, there is a perception that instances of torture have increased throughout Thailand. NCPO order 3/2015 specifically fails to mention that torture is illegal. Amnesty International investigated alleged incidents of torture from 2014 and 2015 in a report titled “*Make Him Speak by Tomorrow*”: *Torture and Other Ill-Treatment in Thailand*. The report, which highlights seventy-four cases of torture, gives examples of incidents that cross the lines between routine, unique, and political human

²¹² Gibney et al., “Political Terror Scale.”

²¹³ International Crisis Group, “A Coup Ordained,” 24.

²¹⁴ U.S. Department of State, “2015 Country Reports: Thailand,” 1.

²¹⁵ U.S. Department of State, 12–15.

²¹⁶ U.S. Department of State, “2017 Country Reports: Thailand,” 1.

rights abuse.²¹⁷ The U.S. State Department also used Amnesty International's findings to emphasize the increased use of torture under the NCPO.²¹⁸

From 2013 to 2016, the U.S. State Department declared abuse by security forces in the deep south to be the most persistent human rights issue in Thailand. Abuse came in the form of torture, general excessive use of force, and general abuse of suspects and detainees.²¹⁹ In 2016, NCPO Order 13/2016 was issued, stating:

The law gives military forces authority over civilian institutions, including police, regarding the maintenance of public order. [Further, the law] grants military officers with the rank of lieutenant and higher power to summon, arrest, and detain suspects; conduct searches; seize assets; suspend financial transactions; and ban suspects from traveling abroad to 27 criminal offenses, including extortion, human trafficking, robbery, forgery, fraud, defamation, gambling, prostitution, and firearms violation. The order also grants criminal, administrative, civil, and disciplinary immunity to military officials executing police authority in 'good faith.'²²⁰

It was generally understood that the NCPO had control over the executive government, but the new order granted the NCPO effective control over all aspects of public order and discipline. In 2017, abuse became more widespread throughout the country.²²¹

1. Routine Human Rights Abuse

As mentioned, routine human rights abuses by security forces remained unchanged. In 2013, the NHRCT reported 254 complaints of suspected RTP abuse, about five times more than number reported in 2012.²²² RTP and RTA forces continued to perform arbitrary arrests, use excessive force, and even kill suspects during the arrest

²¹⁷ Amnesty International, *"Make Him Speak by Tomorrow": Torture and Other Treatment in Thailand* (London: Amnesty International, 2016), <https://www.amnesty.org/en/documents/document/?indexNumber=asa39%2f4747%2f2016&language=en>.

²¹⁸ U.S. Department of State, "2016 Country Reports: Thailand," 3.

²¹⁹ U.S. Department of State, "2013 Country Reports: Thailand," 1; "2014 Country Reports: Thailand," 1; "2015 Country Reports: Thailand," 1; "2016 Country Reports: Thailand," 1.

²²⁰ U.S. Department of State, 5.

²²¹ U.S. Department of State, "2017 Country Reports: Thailand," 1–2.

²²² U.S. Department of State, "2013 Country Reports: Thailand," 8.

process; seventy people were killed during the arrest process between 2013 and 2016, with “risk to the officer” generally cited as the reason the suspect was killed.²²³

As Amnesty International reports:

Police officers and soldiers have regularly tortured or otherwise ill-treated suspected drug users, migrant workers, members of ethnic minorities, indigenous peoples and others as part of routine law enforcement operations. Police officers and soldiers who inflicted torture or other ill-treatment in the context of law enforcement or routine security operations are generally not exercising powers granted by the Martial Law Act or Order No. 3/2558 [NCPO Order 3/2015]. Rather, they routinely circumvent the safeguards against torture provided in the Criminal Procedure Code and elsewhere in ordinary Thai law, including by perpetrating abuses away from police stations at locations such as temporary roadblocks, city streets or other public spaces. However, Amnesty International is deeply concerned that Order No. 13/2559 [NCPO Order 13/2016], providing military officers powers of unregulated detention in relation to a wide range of criminal offences, will facilitate abuses within a broader context.²²⁴

This form of abuse was not uncommon during previous regimes, but it has now become more institutionalized throughout the security forces apparatus. The new NCPO orders—and their implications—grant security forces the authority to use more drastic tactics, which makes it less likely that Thailand will see a more professional law enforcement service or military force, or an improvement in human rights, in the future.

2. Unique Human Rights Abuse

Abuse in the deep south continued to be the factor the most affected human rights in Thailand. Separate from the abuses mentioned in the Amnesty International report (which included seventy-four cases of torture across a spectrum of routine, unique, and political issues), a conglomerate of human rights groups published a report that outlined fifty-four cases of torture and cruel treatment at a military camp in Pattani Province between 2014 and 2015.²²⁵

²²³ U.S. Department of State, 1–2; “2014 Country Reports: Thailand,” 1–2; “2015 Country Reports: Thailand,” 1–2; “2016 Country Reports: Thailand,” 1–2.

²²⁴ Amnesty International, *Make Him Speak by Tomorrow*, 7.

²²⁵ U.S. Department of State, “2016 Country Reports: Thailand,” 3.

Torture in the deep south was normally carried out to coerce confessions from suspected insurgents and to gain information for the counterinsurgency effort. During a particular seven-day window, identified in the Amnesty International report, torture and cruel treatment allowed for unaccountable detention under martial law. “Victims described being kicked, beaten with fists, sticks and the butts of guns, choked, strangled, suffocated with plastic bags, and subjected to waterboarding, among other types of abuses.”²²⁶

Separate from the operations in the deep south, security forces also tortured four individuals who were suspected to have been involved in the bombing of Bangkok’s Siam Paragon Mall. Security forces “hit, kicked, shocked with electricity, and threatened them in an attempt to extract information and confessions.”²²⁷

Human Rights Watch also reported abuse of Rohingya refugees seeking asylum—similar to the abuse that occurred in 2008 under Abhisit’s government. This time, however, government officials were more violent. Boats were pushed back to sea and refugees were subject to gunfire.²²⁸ Government officials “took bribes from smugglers and traffickers who detained Rohingya on Thai islands, and colluded with traffickers.”²²⁹ Three adult female Rohingya and two minor female Rohingya claim that two civilians and an RTP officer forced them to watch the rape of a twenty-five-year-old Rohingya woman. No one was ever charged for the rape.²³⁰ Additionally, in May 2015, in the deep south, mass graves of Rohingya were found. Arrest warrants were issued for 120 suspects, to include RTP and RTA officers. There was no further report of any action taken.²³¹

²²⁶ Amnesty International, *Make Him Speak by Tomorrow*, 6.

²²⁷ U.S. Department of State, “2015 Country Reports: Thailand,” 3.

²²⁸ U.S. Department of State, “2013 Country Reports: Thailand,” 21.

²²⁹ U.S. Department of State, 21.

²³⁰ U.S. Department of State, 21.

²³¹ U.S. Department of State, “2015 Country Reports: Thailand,” 23.

3. Political Human Rights Abuse

As would be expected after a military takeover, political abuse occurred during this time as well. At least twenty-eight people were killed during antigovernment demonstrations throughout late 2013 and 2014, including during two prominent incidents. The first was an incident during which Suthin Thararin, a leader of the anti-PTP People's Democratic Reform Committee who led demonstrations that blocked voting during the national legislative elections, was shot and nine others were injured. The second was when Khwanchai Phraiphana Sarakham, a UDD leader, was shot and critically injured. Six people were involved in the shooting: one was a Territorial Defense Volunteer and the five others were RTA soldiers; the five soldiers were released on bail but the civilian volunteer was not.²³²

The NCPO interim constitution allowed the junta to have direct influence over the independent judiciary, allowing intervention "regardless of its effects on the legislative, executive, or judiciary" at the discretion of the NCPO to defend Thailand against national security threats.²³³ This allowed the NCPO to broadly define what was considered a national security threat and intervene at will. For example, in May 2014 the NCPO moved "prosecutions for offenses against the monarchy, insurrection, sedition, secession, and violation of its orders from civilian criminal court jurisdiction to military courts."²³⁴ There were 1,400 cases against 1,600 people for violations of article 112 (*lèse majesté*), failure to comply with NCPO orders, and violations involving firearms/ammunition. The move from civilian court to a military court is significant because military court does not provide the same protection as a civilian court. Civilian defendants are not given the same rights as outlined in the interim constitution; they do not receive a "fair and public hearing by a competent, impartial, and independent tribunal."²³⁵ Additionally, those facing trial for offenses committed from May 2014 to April 1, 2015, will have no right to

²³² U.S. Department of State, "2014 Country Reports: Thailand," 2.

²³³ U.S. Department of State, "2015 Country Reports; Thailand," 8.

²³⁴ U.S. Department of State, 9.

²³⁵ U.S. Department of State, 9.

appeal because martial law was in effect.²³⁶ Prayut himself, in his official capacity, openly threatened media opposition to the NCPO: “The prime minister suggested he would execute journalists who do not ‘report the truth’ and in March the prime minister publicly reprimanded a reporter for reporting on human trafficking and the discovery of mass graves, warning the reporter should not report sensitive issues that could damage the kingdom’s reputation.”²³⁷

Although it is not within the realm of human rights abuse, it is also significant to report the government’s interference with all levels of education, which is presumed to be politically charged. In September 2015, military personnel were deployed on university campuses to monitor lectures. Over thirty academic discussions were stopped under the pretense that the students and professors were going to discuss Article 44 and martial law. Some military officers even detained professors and students who organized a seminar on the decline of foreign dictatorships. The military government also rewrote secondary and primary school textbooks, directing an increase in patriotic themes and ordering changes to history textbooks to delete any reference to Thaksin. A new civic curriculum was directed that focused on “General Prayut’s 12 core values of ‘Thainess.’”²³⁸

4. Section Summary

Prayut’s regime is no exception to the rule with regard to human rights abuse in Thailand. There is no significant difference between the current military junta’s human rights abuses and those of the civilian governments that preceded it. One difference, however, is that the power of impunity was officially strengthened and written into law—especially to exonerate the current regime from any legal recourse following a return to civilian governance. That said, human rights advocates have highlighted abuse during this regime that is similar to other regimes, and not necessarily central to only Prayut’s government.

²³⁶ U.S. Department of State, 9.

²³⁷ U.S. Department of State, 13.

²³⁸ U.S. Department of State, 16.

G. CHAPTER SUMMARY

Each regime from 2001—2017 committed human rights abuses that can be categorized as routine, unique, and political. Each category was analyzed by regime to show the enduring state of poor human rights abuse overtime and by regime. Although two of the regimes (Thaksin and Yingluck) were labeled democratic, their human rights performance was on par with all other regimes labeled as anocratic from 2001—2017. In reality, both Thaksin and Yingluck’s eras of “democracy” should be characterized at a minimum as anocratic (semi-authoritarian). Thus, Thailand never reached full democracy from 2001—2017, which in turn helps to explain its persistently high level of human rights abuse.

IV. SUMMARY AND CONCLUSION

This thesis has sought to understand why the level of human rights abuse remained relatively persistent in Thailand from 2001 to 2017 despite transitions between democratic and military regimes. Two hypotheses were proposed: The first was the generally accepted theory that democracies have better human rights records than autocratic governments. The second was the theory that weak economic development has fueled state weakness, which has in turn contributed to human rights abuse in both periods of democracy and autocracy.

Chapter I examined two independent human rights metrics—the PTS score and NHRCT human rights cases—and provided a historical narrative to illustrate the stability of human rights abuse over time in Thailand. From 2001 to 2017, evidence from both the PTS and the NHRCT found that human rights abuse remained persistent across all regimes. Chapter II assessed Polity IV Project data to determine how Thailand's government and regime changes were classified from 2001 to 2017. Chapter II found that, according to this data, Thailand had two democratic periods (2001–2006 and 2011–2014) and two anocratic (semi-autocratic) periods (2006–2008 and 2014–2017).

Chapter III answered the thesis's main question: Why did human rights abuse remain relatively persistent in Thailand from 2001 to 2017 under both democratic and military regimes? The chapter found that each regime was, despite democratic labels, at a minimum anocratic; neither of the regimes identified as democratic were, in reality, fully democratic. Each regime from Thaksin to Prayut committed the same kind of human rights abuses with only some variation in frequency and scope. The only difference between the two regimes classified as democratic and the others—identified as anocratic—is that the democratic regimes were chosen through free and fair elections. The narrative that describes routine, unique, and political abuse in Thailand repeats itself between 2001 and the present. The regularity of government turnover has plagued Thailand and has not allowed the government to become a stable and mature multi-dimensional democracy.

A. IMPLICATIONS AND RECOMMENDATIONS

This thesis reveals one major implication regarding Thailand's regime changes and human rights records: human rights abuses are likely to remain persistently numerous unless the country democratizes more fully than it has in the past. For real change and progress to be achieved, Thailand must recognize the value of strong institutions that protect the rights of the people, with strong multi-party representation grounded in a philosophy of civilian-elected governance—opposed to a system of quasi-monarchical rule with military elitist protection.

B. AREAS FOR FURTHER RESEARCH

Although this thesis described undemocratic regimes from 2001 to 2017 as the primary factor for persistent—and relatively high—levels of human rights abuse, there are several areas for further research that would strengthen this study. The first potential follow-on project is a case study that analyzes all reports from the NHRCT to determine, specifically, which institutions were responsible for the complaints, the circumstances surrounding the alleged abuse, and in which region(s) the abuse occurred. Research that reviews and categorizes internal data would significantly improve the supporting data and help determine the specific causes of human rights abuse. A second area of potential follow-on research involves additional case studies that compare Thailand's security forces with those of other countries at similar levels of national income. Comparing income and the frequency/type of abuse will help explain if poor pay is the primary reason Thai security forces commit abuse.

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